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BEFORE THE

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF: )  
 )  
REGULAR BUSINESS MEETING )  
 )  
\_\_\_\_\_ )

## TRANSCRIPT OF PROCEEDINGS

August 22, 2000

9:30 A.M.

Fountain Valley Chamber  
City Council Chamber  
10200 Slater Avenue  
Fountain Valley, California

REPORTED BY:  
Terri L. Emery,

1 FOUNTAIN VALLEY, CALIFORNIA, AUGUST 22, 2000 - 9:30 A.M.

2 \* \* \* \* \*

3 CHAIR MOULTON-PATTERSON: Good morning and

4 welcome to the August 22nd meeting of the California

5 Integrated Waste Management Board. We're happy to be in  
6 Fountain Valley and this meeting is now called to  
7 order.

8 Would the secretary please call the roll.

9 BOARD SECRETARY: Eaton.

10 BOARD MEMBER EATON: Here.

11 BOARD SECRETARY: Jones.

12 BOARD MEMBER JONES: Here.

13 BOARD SECRETARY: Medina.

14 BOARD MEMBER MEDINA: Here.

15 BOARD SECRETARY: Paparian.

16 BOARD MEMBER PAPARIAN: Here.

17 BOARD SECRETARY: Roberti.

18 Moulton-Patterson.

19 CHAIR MOULTON-PATTERSON: Here.

20 We have a quorum. And I'd like to welcome all  
21 the members of the audience and let you know that there  
22 are speaker slips on the back table. If you would like  
23 to fill those out and speak to us on any item please,  
24 fill it out with the specific item or items that you plan  
25 on addressing and give it to Ms. Villa, who is right up

1 here in the front, and she'll make sure that we know you  
2 want to speak.

3 I would also ask the audience to please turn off  
4 all cell phones and pagers to avoid disrupting the  
5 meeting and we really appreciate that. Thank you.

6 At this time we'll do our ex partes.

7 Mr. Eaton.

8 BOARD MEMBER EATON: I'm up to date, thank you.

9 CHAIR MOULTON-PATTERSON: Thank you.

10 Mr. Jones.

11 BOARD MEMBER JONES: I'm up to date.

12 CHAIR MOULTON-PATTERSON: Thank you.

13 Mr. Medina.

14 BOARD MEMBER MEDINA: Up to date as well.

15 CHAIR MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: I received an E-mail  
17 communication from Dennis Ferrier from City of San Jose  
18 regarding Agenda Item 27.

19 CHAIR MOULTON-PATTERSON: Thank you very much,  
20 Mr. Paparian. I'm up to date. Okay.

21 Do any Board Members have reports they'd like to  
22 mention this morning?

23 Mr. Eaton.

24 BOARD MEMBER EATON: No, I'm fine. Thank you.

25 CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: No.

2           CHAIR MOULTON-PATTERSON: Mr. Medina.

3           BOARD MEMBER MEDINA: To report, on July the  
4 20th I attended a SANDAG meeting in San Diego on  
5 Mexico-California border issues, and on July 27th I  
6 participated in an environmental infrastructure fuel trip  
7 to Ensenada.

8           CHAIR MOULTON-PATTERSON: Thank you very much  
9 Mr. Paparian.

10          BOARD MEMBER PAPARIAN: I had the opportunity  
11 earlier this month to visit the Westley tire site where  
12 the Board is involved in cleaning up and dealing with the  
13 problem there. I also visited the John Smith Road  
14 Landfill in San Benito County.

15          CHAIR MOULTON-PATTERSON: Thank you. Please let  
16 the record reflect that Senator Roberti is present. I'll  
17 give my report, Senator, and I'll get back to you and  
18 give you a moment.

19          I had the pleasure of attending the L.A. Task  
20 Force earlier last month and got to speak with everyone  
21 and got a really good insight on some of the problems in  
22 L.A. County. I also attended, as other Board Members  
23 did, the CRRRA conference. It was great. They had over a  
24 thousand people, a lot of enthusiasm. Spoke to the  
25 League of Cities in Monterey, and that was very

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1 interesting to hear some of the problems that our cities  
2 are facing.

3 Also visited did a site visit at Norcal and saw  
4 their facilities in San Francisco, as well as seeing the  
5 food waste program at the B&J Landfill, and also visited  
6 Catalina to see some of the unique problems that Avalon  
7 is experiencing. And that's my report.

8 Senator Roberti, do you have any ex partes?

9 BOARD MEMBER ROBERTI: I have no ex partes.

10 This past month, Madam Chair, I visited with a  
11 number of cities in Los Angeles County on the specific  
12 waste diversion numbers, Hollywood, Alhambra, Beverly  
13 Hills, City of San Fernando. I was happy to moderate one  
14 of the panels of the California Resource Recovery  
15 Association in Sacramento this past July.

16 I also toured in Sacramento Kelly Moore Paints,  
17 where they have an excellent recycling program and have  
18 commercial paint companies that can and hopefully will  
19 continue to participate in the process of recycling, and  
20 I know that's something that will be on our agenda this  
21 coming -- today or tomorrow.

22 CHAIR MOULTON-PATTERSON: Thank you, Senator  
23 Roberti.

24 Mr. Chandler, our report from our Executive  
25 Director.

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1           MR. CHANDLER: Thank you, Madam Chair, and good  
2 morning, Members.

3           I have a number of informational items I'd like  
4 to briefly go through this morning and I think that will  
5 not only be of interest to the Members but to some of the  
6 attendees in our audience. The first has to do with the  
7 Governor's signing of the green building executive order  
  
8 which occurred on August 2nd. Governor Davis signed  
9 Executive Order E1600 setting a sustainable building goal  
10 for the siting, design, construction and renovation and  
11 operation of state buildings that are models of energy,  
12 waste and material efficiencies.

13           The State will provide leadership on energy,  
14 environmental and public health issues by implementing  
15 innovative and resource-efficient public building design  
16 practices and other state and governmental programs. I  
17 believe the action by the Governor effectively sanctions  
18 the Board's commitment and investment to sustainable or  
19 green buildings.

20           Our staff is part of the state Green Building  
21 Task Force that led the effort to draft the Executive  
22 Order that ultimately captured the Governor's attention.  
23 Staff and the Task Force will now work with Arnie Sowell  
24 in his new capacity at the State Consumer Services Agency  
25 and deliver a report to the Governor in the next six

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1 months, that recommended strategy for incorporating  
2 sustainable building practices in the development of  
3 sustainable facilities.

4           It's been a while since I've given you an update  
5 on the work that we're doing at the Filbin tire fire,  
6 clean-up site, so let me briefly go through some of the  
7 more recent developments.

8           I'm pleased to report that through our efforts  
9 our staff and contractors have completed shredding of all  
10 non-burned passenger, agricultural and oversized tires,  
11 and within the next two weeks these shreds from this  
12 operation will be removed from the site and transported  
13 to Altamont Landfill for use in their gas collection  
14 system. We've also removed and disposed a large  
15 collection of forklift tire rims that were on-site and  
16 are now removing and disposing of the burned tires from  
17 the various debris piles.

18           By the end of September, all burnable materials,  
19 in excess of 11,000 tons, will be removed from the site.  
20 Other work that's ongoing at the site includes the  
21 Modesto Energy Limited Partnership's efforts and  
22 continued removal of approximately 10,000 tons of  
23 fire-related debris that was at their delivery pad area.

24           The Department of Toxic Substance Control and  
25 the Regional Water Quality Control Board are installing

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1 three groundwater monitoring wells, and in addition the  
2 Attorney General is finalizing negotiations with  
3 responsible parties to remove and dispose of the sludge  
4 from the main water ponds.

5 I'll give you a brief update on our Class II  
6 waste issue. As you recall, we sent a letter on March  
7 13th of this year to jurisdictions, clarifying the  
8 Board's policy on considering the impact of disposal of  
9 Class II wastestream when evaluating a jurisdiction's  
10 compliance with the Integrated Waste Management Act. The  
11 Board developed a procedure for jurisdictions to petition  
12 for disposal reduction corrections for non-hazardous  
13 designated waste if certain criteria were met.

14 Board staff has assisted 34 jurisdictions since  
15 1998 diversion rates were affected by greater than 2  
16 percentage points with their request for a deduction of  
17 the non-hazardous designated waste reported from the  
18 Forward, Inc. (phonetic) Landfill. These jurisdictions'  
19 diversion rates for 1998 have been adjusted and will be  
20 brought to the Board at its September board meeting.

21 We have received the 1999 report from Forward,  
22 Inc., and staff will be contacting all jurisdictions that  
23 have deductible non-hazardous designated waste tonnage.  
24 Staff will also assist these jurisdictions with their  
25 deduction requests. The deductions will be handled with

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1 the review of the 1999 annual reports.

2           Next I'd like to briefly touch on a measurement  
3 accuracy workshop. A workshop on diversion measurement  
4 accuracy is scheduled for the morning of September 7th in  
5 Sacramento. We've slated this workshop prior to your  
6 September 19th and 20th meeting where we anticipate  
7 seeking adoption of the diversion study guide which  
8 incorporates the methodology. The purpose of the  
9 workshop is to inform Board Members on the methodology  
10 and the principles that support diversion measurement.  
11 These are the tools local jurisdictions use to document  
12 their success in diverting the waste from landfills under  
13 the state law.

14           The workshop will examine all elements of the  
15 calculation methodology including the Disposal Reporting  
16 System, the adjustment methodology for new diversion  
17 studies, specific wastestreams and other related issues.

18           I should simply point out that we are getting a  
19 tremendous response from our web site at local government  
20 central where jurisdictions are now able to simply log on  
21 and calculate their diversion calculations, their  
22 diversion rate, by going through a menu of instructions  
23 that allow the local jurisdictions to access that  
24 information and that calculation directly without having  
25 to contact state staff.

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1           And finally we have our fourth annual LEA Board  
2 conference. As you know, this fourth annual conference  
3 will be held next week in San Diego. The basis for the  
4 conference stems from a series of partnerships, summit  
5 meetings that convened in 1996 between staff here at the  
6 Board with our Local Enforcement Agencies, all involved  
7 in what we dub the Partnership 2000 effort agreed to  
8 implement a communication strategy, among those being the  
9 annual partnership conference.

10           Each conference has been well-received, and this  
11 year our staff is trying a new approach to sharing  
12 conference information, and we're calling this a  
13 paperless conference, or at least less paper by using an  
14 electronic agenda hyperlinked to presentation materials.  
15 We hope to encourage the electronic versus the paper  
16 binder approach. Participants will be able to view the  
17 agenda and the electronic binder at the conference on one  
18 of the computers located there.

19           When you return to your offices you can review  
20 the binder on our LEA central web page.

21           Members, that concludes my report this morning.  
22 If you have any questions.

23           CHAIR MOULTON-PATTERSON: Thank you very much.

24           Mr. Eaton.

25           BOARD MEMBER EATON: Yes. I have several

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1 questions, Mr. Chandler, and I guess we haven't been able  
2 to get a monthly meeting together, but it's good news on  
3 the Westley tire fire, but I have an issue that I think  
4 that perhaps, Mr. Chandler, you might be able to help us  
5 out on.

6           As you well know, the Firestone Tire and Rubber  
7 Company is recalling a number of tires in and around the  
8 United States, this morning the last figures indicate  
9 that an additional 12 million tires, which were the three  
10 Ford plants across the nation that have been slowed due  
11 to the recall. One of the things I think we ought to be  
12 aware of as we're going in and trying to get a tire bill  
13 passed, what are we going to do with these recalled  
14 tires?

15           One of the things I do not, as a personal member  
16 of this Board, want to see is these tires going to Mexico  
17 under their allocation of 750,000 and taking them and  
18 transporting our own problems down into Mexico. So what  
19 can we do? As well as they're probably good feedstock, I  
20 would imagine, because depending upon -- my understanding  
21 of the recall, that there's sufficient tread left or  
22 tread life left in these tires and they may be a perfect  
23 opportunity for some of our projects in and around the  
24 state that we're supplying tires with, and perhaps rather  
25 than give a 30 percent bounty to these tires and costing

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1 the Board money which we can then transport to others, we  
2 could maybe sort of go ahead.

3           So I would appreciate it if we could use all of  
4 our resources, Board Members and Board Member offices, as  
5 well as our executive staff and regular staff, to come up  
6 with a way to protect the public. I think that's a good  
7 public duty that we would have considering that these at  
8 least allegedly, and I have to use that from the legal  
9 standpoint, caused a number of accidents throughout the  
10 United States, and I think we will be asked that question  
11 at some point, if not surely during as legislation moves  
12 through, shortly thereafter.

13           So if we could do something along those lines.  
14 Let's think about it. Let's get a brainstorm, a working  
15 group or whatever. I think that would be a good thing  
16 for the public.

17           CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.  
18 If you could lead that up with Mr. Chandler, I would  
19 really appreciate that and I know the Board would.

20           BOARD MEMBER EATON: Sure. I'm glad to. I  
21 think we could come up with something.

22           MR. CHANDLER: Excellent point, Mr. Eaton. Not  
23 only are we now faced with the responsibility of managing  
24 all these tires that are being recalled, but as you're  
25 probably all aware, consumers who, if you will, turn in

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1 these allegedly defective tires go through a transaction  
2 that is simply a return of those tires for a new tire.  
3 Because there's no retail sale, there will be no charge,  
4 if you will, of the 25 cents on the tires. So once  
5 again, we are left with the responsibility of properly  
6 managing this waste tire stream and, of course, not  
7 seeing the revenue from it.

8           So how we handle this is going to be critical to  
9 seeing that these tires are not directed to another area  
10 of the country that sees the tires used inappropriately.

11           BOARD MEMBER EATON: And we may have some  
12 individuals who aren't used to storing this many tires in  
13 facilities and how we perhaps either allow for a  
14 temporary exemption or somehow get them funnelled into a  
15 proper storage area in a local geographic area is just  
16 one aspect. It becomes more and more of a web the  
17 further we get into it, but I think that's something as  
18 far as the public we can be beneficial to them and also  
19 protect the public health and safety.

20           I have two other questions, but I don't know if  
21 any other Board Members have any comments on that.

22           The other question I have is where are we at  
23 with the 1066 process? In August we were supposed to  
24 bring something back is my understanding from the  
25 transcripts, and where are we? Are we -- is the window

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1 open? Are we getting ready to have extensions or  
2 processing those extensions? Where are we?

3 MR. CHANDLER: It's my understanding that we  
4 have communicated via letter to jurisdictions outlining  
5 the process to be followed for both an adjustment to the  
6 rate or an extension.

7 Cara or Chris, do you have anything you would  
8 like to add to amplify on the 1066 process? I know we've  
9 had some communication via the letter. Can you answer  
10 Mr. Eaton's question?

11 MS. MORGAN: We have sent a letter to all of the  
12 jurisdictions, outlining the 1066 process which we  
13 brought before the Board in May. Basically the letter  
14 explained the various options that jurisdictions have to  
15 apply for a 1066 extension, the first option being to  
16 seek the Board's assistance in helping them conduct a  
17 needs assessment of their programs, find out where they  
18 are, what their program needs are, and helping start  
19 putting together an application for 1066.

20 Most jurisdictions will not have their 2000  
21 disposal information until late spring, early summer of  
22 2001, which that's the information that they would need  
23 then to know what to petition for. So we anticipate a  
24 number of jurisdictions starting to come forward with  
25 requests about that time.

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1           Jurisdictions also have the opportunity within  
2 their year 2000 annual report to submit a request, as  
3 well as the plan to have a disclaimer in the 2000 annual  
4 report where jurisdictions can submit a disclaimer saying  
5 if their diversion rate falls below the 50 percent goal,  
6 they reserve the right to still submit a 1066 request.

7           Thus far the feedback has been very positive.  
8 Jurisdictions are very pleased with the various options  
9 that the Board has set up to give them an opportunity to  
10 apply for a 1066 request.

11           BOARD MEMBER EATON: I understand those were  
12 things there. So when do we actually open up for  
13 jurisdictions -- as you remember, the window of  
14 opportunity that you speak of for some of those  
15 jurisdictions we all knew during the hearing that those  
16 jurisdictions were going to wait to see what their  
17 figures are. What about those jurisdictions who know  
18 they're not going to be anywhere close? When do we begin  
19 that because that is one of the criticisms of this Board.  
20 So do we have a date? And if so, when?

21           MS. MORGAN: That letter did go out to  
22 jurisdictions, to all jurisdictions.

23           BOARD MEMBER EATON: When?

24           MS. MORGAN: I believe the letter. You know, I  
25 don't know the specific date. I would have to check.

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1                   CHAIR MOULTON-PATTERSON: It was about a month  
2 ago, and I presume all Board Members got copies. And if  
3 you haven't, we'll get you one, Mr. Eaton.

4                   BOARD MEMBER EATON: When will we be opening it  
5 up?

6                   MS. MORGAN: It is open now. Those letters have  
7 gone out. We have requested jurisdictions who know that  
8 they are not going to meet the goal to start working with  
9 us now. To date we have not received any requests from  
10 jurisdictions, but we anticipate those will start coming  
11 in.

12                  BOARD MEMBER EATON: If we could send that  
13 letter also to the League and to the CSAQ because they  
14 were the ones who were very much interested in the  
15 process and when it was going to open. So I think it  
16 would be nice to get some feedback, but I think that's  
17 also a subject of some interest.

18                  My final area that I would like to talk about  
19 is, Mr. Chandler, have we approved any state diversion  
20 plans under AB 75?

21                  MR. CHANDLER: I don't believe we have, no. I  
22 know that the process that we have established per your  
23 direction was that I would notify which plans are in and  
24 you all would review those submittals and determine if  
25 you wanted to see perhaps some of the larger state

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1 agencies, perhaps Caltrans and the like, to come before  
2 this Board.

3           So while I believe I have seen a listing of some  
4 of those that have come in, we have not started the  
5 process of getting the reviews to your offices and  
6 identification of which ones you would like to see come  
7 forward.

8           BOARD MEMBER EATON: That would be great.

9           MR. CHANDLER: I will certainly include that in  
10 my next report as an update as to when we anticipate some  
11 of those larger state facilities needing your feedback as  
12 to whether or not you would like to bring them forward.

13           CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.  
14 Mr. Jones has a question, Mr. Chandler.

15           BOARD MEMBER JONES: Actually, going back to the  
16 tire issue that Mr. Eaton is talking about, I know that  
17 Mr. Leary has already contacted the biggest hauler of the  
18 Firestone contract stores.

19           I guess my question is similar to a disaster in  
20 a region where the Executive Director has the authority  
21 to grant variances on a Solid Waste Facility Permit,  
22 would this be looked at as an emergency that would allow  
23 to -- like Mr. Eaton was talking about, to have permitted  
24 capacity available to handle that extra million tires  
25 that are going to be coming in? That's about 10 percent

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1 more of their business and I'm not sure what their  
2 permitted capacity is, but would the same type of  
3 emergency conditions exist?

4 MR. CHANDLER: You raise a good point. Of  
5 course the letter you're referring to is a letter that we  
6 asked, as you indicate, the largest hauler for that  
7 commodity to be mindful of the increasing quantities of  
8 tires they may have and to be doing so consistent with  
9 their permit limits, and of course the heart of your  
10 question is should they see themselves immediately going  
11 over those permitted limits because of the recall effort,  
12 what flexibility would the Board have to temporarily  
13 raise those permitted levels.

14 I would have to consult with counsel to see the  
15 flexibility that the Board enjoys on the permit side of  
16 the tire statutes, but I think you make a good point in  
17 the analogy you're drawing and I think it's something we  
18 should definitely be looking at.

19 Let me get back to you again with a more  
20 specific answer on that.

21 BOARD MEMBER EATON: We could also perhaps look  
22 at the tire bill and the emergency provisions because  
23 that's a new addition which may fall under what you're  
24 looking at and maybe we need to add a few words for a  
25 situation such as this where there is a recall that

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1 allows somehow for some sort of emergency action. I  
2 think it's covered in there, but you never really know  
3 with the statute.

4 MR. CHANDLER: We'll research that, Mr. Jones,  
5 and get back to you, Board Members, on that and the other  
6 questions.

7 CHAIR MOULTON-PATTERSON: Senator Roberti.

8 BOARD MEMBER ROBERTI: Have we ever had a recall  
9 situation, talking about Firestone, where we dealt with  
10 that issue?

11 MR. CHANDLER: Not in my experience over the ten  
12 years I've been here to recall ever anything of this  
13 magnitude that approaches these numbers, no, in the tire  
14 area. I'm sure there's been some spot recalls on  
15 selected models --

16 BOARD MEMBER ROBERTI: Nothing like this.

17 MR. CHANDLER: -- but nothing quite this  
18 significant in the total quantity.

19 BOARD MEMBER EATON: I think they estimated the  
20 number. That the number of urban assault vehicles, or  
21 SUVs as we call them, that there are on an annual basis,  
22 California I believe is the largest purchaser of them  
23 over the last ten years and that's where that category  
24 falls into. So it really is a big, big recall that I  
25 don't think anybody ever anticipated.

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1                   CHAIR MOULTON-PATTERSON: Thank you for bringing  
2 that up, Mr. Eaton. Thank you, Mr. Chandler, for your  
3 report. And now I would like to call on Mayor Guy  
4 Carrozzo, Mayor of Fountain Valley, our host city.

5                   MR. CARROZZO: First of all, I want to welcome  
6 you all to Fountain Valley. We're honored that you  
7 decided to have one of your meetings -- your series of  
8 meetings here. I feel funny standing on this side  
9 instead of up there.

10                   (Laughter)

11                   MR. CARROZZO: I would like to introduce Laurann  
12 Cook, former Mayor and Council Member. We'd like to  
13 welcome you all. I have a few gifts, and one of them,  
14 the pin behind you -- the pin here represents the seal  
15 behind you, and it is "Fountain Valley is a nice place to  
16 live," and with that we have a pen here that's red, white  
17 and blue with stars and it says "City of Fountain Valley,  
18 honoring our veterans," which is my goal for the year as  
19 Mayor.

20                   I did want to mention that Fountain Valley is  
21 proud to -- in the 939 diversion rate, trying to  
22 divert -- we are up to in 1999 47 percent and we want  
23 to -- I was going to say this and I didn't realize that  
24 Stan Kayzak and Ron Shanklin were going to be here and I  
25 know it sounds political, but what I was going to say is

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1 what a wonderful job they have been doing. I've been on  
2 the Council for ten years, and in that ten years I have  
3 had three complaints that somebody didn't get their trash  
4 picked up on time or something like that. One of them  
5 was a neighbor, but in ten years three comments like that  
6 is unbelievable, and those of you know exactly what I'm  
7 talking about.

8           The other thing is we want you to know that at  
9 the U.S. Conference of Mayors, Fountain Valley and Ray  
10 Cromer gave this to me today. I didn't recall it, it but  
11 we received a national award for our efforts in buying  
12 recycled materials, everything from park benches to  
13 anything that's recycled. We have a goal that we will  
14 purchase recycled materials.

15           So again, thank you for being here. And if you  
16 need anything, our staff is here to help you and call on  
17 us for anything you need.

18           CHAIR MOULTON-PATTERSON: Well, we just want to  
19 thank you so much. We really appreciate the hospitality  
20 here. It's been just great. And I certainly think  
21 Fountain Valley is nice place to live.

22           (Laughter)

23           CHAIR MOULTON-PATTERSON: And I know that we're  
24 ahead of our time and that we have the recycled park  
25 benches in my neighborhood park and you've worked -- you

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1 and Laurann and Rainbow have worked very hard to make  
2 this happen.

3 So thank you very much and thank you for hosting  
4 us. We really appreciate it.

5 MR. CARROZZO: And Rainbow has been a good  
6 neighbor, too.

7 CHAIR MOULTON-PATTERSON: They really have.  
8 Thank you.

9 MR. CARROZZO: Did you want to hear from Laurann  
10 for a minute?

11 CHAIR MOULTON-PATTERSON: Yes. We'd love to  
12 hear from Laurann. Thank you.

13 MS. COOK: Good morning. I want to add my words  
14 of welcome to all of you. We're delighted that you've  
15 chosen Fountain Valley as your site for this month's  
16 meeting. We know you're traveling throughout the state  
17 and we're just delighted that Fountain Valley has the  
18 opportunity to host you.

19 As you heard from Mayor Carrozzo, the City of  
20 Fountain Valley practices what you preach, and we do  
21 recycle and we do reuse, not only our park benches that  
22 your chair mentioned are put in the parks, but if you  
23 drive through our community you'll see that our "welcome  
24 to Fountain Valley" signs are made with recycled plastic.  
25 We did that as a joint project with our schools. So we

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1 had a partnership in which the children were involved in,  
2 in which the community was involved in, and all of our  
3 "welcome to Fountain Valley" signs are through recycled  
4 materials and through all that plastic that we collected.

5           So we want to tell you that we are trying to  
6 uphold the standards that you are asking cities to do.  
7 We're doing that very agreeably because we, too, believe  
8 in saving the environment.

9           As the Mayor said, we are in 1999 at 47 percent.  
10 We will maintain our goal and hopefully reach our goal,  
11 but we want to thank you for being here, for listening to  
12 cities. I know that your Chair is very involved with the  
13 League of Cities as a former Council Member and Mayor in  
14 Huntington Beach, and Linda has a very good insight into  
15 cities and the workings of cities, and we're just  
16 delighted that she's here and that she's the Chair, and  
17 we're delighted that she's a Fountain Valley resident.

18           So thank you for joining us. As Guy said, if  
19 we can help you in any way, we would be most happy to do  
20 that, and we look forward to seeing you at the reception  
21 tonight. Thanks again for being here.

22           CHAIR MOULTON-PATTERSON: Thank you, Laurann.  
23 Thanks for your commitment.

24           At this time I would like to introduce John  
25 Sibley, Director of Orange County Waste Management

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1 Department. He's going to make about a 15-minute  
2 presentation, highlighting all of the work of the Orange  
3 County waste management system.

4 Welcome, Mr. Sibley.

5 MR. SIBLEY: Good morning, Madam Chair and Board  
6 Members. I, too, would like to take this opportunity to  
7 welcome you to Orange County. I understand that it's a  
8 lot for you and your staffs to get down here, but we  
9 really appreciate having you in our back yard. I know  
10 the City of Fountain Valley has already welcomed you, but  
11 on behalf of the County of Orange and the other 32  
12 cities, I too welcome you.

13 I have been told that I have about 15 minutes  
14 this morning. I'm going to try to expedite because I  
15 know that you have a very busy day. So I will kind of  
16 breeze through my presentation, but I do have a short  
17 public education film that we put together just recently  
18 that we are very proud of. Although I know I'm preaching  
19 to the choir and many of my colleagues and partners in  
20 the audience, I do think it's of import to show it to you  
21 and also give you an idea of what we are doing here in  
22 Orange County.

23 IWMD's mission state is to meet the solid waste  
24 disposal needs of Orange County through efficient  
25 operation, sound environmental practices, strategic

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1 planning, innovation, and technology. That is a keystone  
2 of our business plan, which I'm also going to leave a  
3 couple copies with your Board so when you have the  
4 opportunity you can look through it.

5           An idea of the solid waste system in Orange  
6 County with 33 cities, three sanitary districts, the  
7 County provides services to the unincorporated area. We  
8 have five privately owned MRFs in the county. Stan and  
  
9 some others are here, Ron. As I said, referring to them  
10 as our partners in the process here.

11           They process approximately 75 percent of Orange  
12 County's wastestream. County of Orange Regional Waste  
13 Management System, we operate three active landfills,  
14 Orinda, Frank R. Bauerman and Prima and \*\*Landfills. We  
15 also are responsible for 20 closed landfills which bring  
16 a whole set of problems of their very own, and we have  
17 four household hazardous waste collection systems.

18           This is the disposal profile for Orange County.  
19 1990, 4.1 million tons disposed; 1999, 3.5 million. With  
20 an increase in population and an increasing economy, I  
21 think that number on the bottom is not as low as we would  
22 like it to be with our AB 939 requirements, but it does  
23 show that we're going in the right direction. Per capita  
24 disposal rate, 9.3 pounds person per day in 1990 down to  
25 6.8 in 1999.

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1           IWMD overview, as I said we operate a regional  
2 waste management system, 20 landfills. We are also  
3 responsible for the Countywide Integrated Waste  
4 Management Plan, and we do administer the county  
5 unincorporated area and we are -- staff told me not to  
6 tell you this, but in terms of AB 939 compliance county  
7 unincorporated is at the lowest in the county. There's a  
8 very good reason for it. I'll go into it with you or  
9 your staff some day, but every time we do a great job in  
10 the county unincorporated area, it becomes incorporated  
11 and the City takes credit for the great work that we've  
12 done.

13           (Laughter)

14           MR. SIBLEY: Organizational structure, again we  
15 do operate as an enterprise fund which means the general  
16 fund cannot get its hands on our money in the county,  
17 much to the chagrin of many people in county government.  
18 I used to be in charge of management budget. I was also  
19 looking at ways of getting ahold of those dollars, but it  
20 is protected funds and it is devoted strictly to the  
21 Integrated Waste Management Fund.

22           The County Board is our administrative arm. I  
23 report directly to the CEO. I'm advised by Waste  
24 Management Commission. We have about 239 employees in  
25 integrated waste management. We have a \$97 million

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1 budget, our operating budget, approximately \$300 million  
2 budget total.

3           The 18-member advisory board for IWMD is  
4 comprised almost entirely of elected officials from City  
5 Councils throughout the county. We have three large  
6 members that are appointed by the Board of Supervisors.  
7 The League of California Cities appoints one of their own  
8 and also a couple of city managers that sit on that  
9 Advisory Commission.

10           Again, you can see acts as local task force  
11 responsibility for long-reach planning, financial  
12 oversight, policy oversight, household hazardous waste  
13 oversight, and it's a forum for public input on issues  
14 that come up on waste management prior to them going to  
15 the Board of Supervisors.

16           IWMD funding, I'll -- I think the only thing I  
17 want to say there is waste disposal agreements that we  
18 have for the cities account for about 85 percent of  
19 Orange County's waste.

20           Countywide diversion programs that we are  
21 undertaking today, PGM, alternative daily cover for  
22 erosion control. We're using that at the (inaudible)  
23 Alpha site. We are also starting to use some of it at  
24 the Bauerman site. We also use tarps at Prima de Sheca  
25 (phonetic). We're looking at everything we can do to

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1 maximize capacity of our landfills and minimize the  
2 soil-to-trash ratio. Landfill gas to energy plants both  
3 at Orinda Alpha and Prima de Sheca, we produce enough  
4 electricity I'm told to power about 18,000 homes a day.  
5 We have landfill salvage contracts at the sites.

6           Green building projects, good to hear Ralph's  
7 comment on the green building. Your Board did give us a  
8 grant earlier this year. That grant is being put to  
9 great purpose right now. We are remodeling the building,  
10 the site building at Frank R. Bauerman. We expect it to  
11 become a model building. We will be inviting all of you  
12 to its ground breaking when we do get it open, but it's  
13 also being done in cooperation with the local Building  
14 Industry Association and it's what we like to look at as  
15 our first green building project. The next green  
16 building project is when I move out of leased space and  
17 get the opportunity to build our own quarters, leased  
18 space and turn to some of our contractors and keep our  
19 money again in our bank account.

20           The LMOP program you all know about. Countywide  
21 diversion programs, household hazardous waste collection  
22 program, again we all know about that. Educational  
23 outreach, we'll get to the film in just a moment.

24           We had about 80,000 people attend the Orange  
25 County Fair. We had numerous items made out of recycled

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1 materials. We had Frisbees, we had key chains, we had  
2 pencils, we had pens, we had shoe laces, to give people  
3 an idea of what types of products are made out of  
4 recycled material, what types of products we use. We  
5 also take these products to the local schools and we have  
6 presentations there, again all part of our public  
7 education and outreach program.

8           The IWMD web site, not as good as your web site  
9 but we're working on it.

10           This is some of our internal diversion programs.  
11 We too purchase recycled materials. We recycle our  
12 office materials. We bought a machine that -- because we  
13 can't do the two-sided on some of our stuff, we reuse the  
14 other side of all of our white paper in the county. We  
15 have an adopt a school program where we provide  
16 computers. Computers seem to have a shelf life of two to  
17 three years. As we cycle through them, we provide them  
18 back to schools. We provide office equipment, a variety  
19 of things, anything that we can recycle and the schools  
20 can use, we make available. Electronic messaging,  
21 E-mail, internet of course.

22           Successes, we think countywide AB 939 we've been  
23 successful. We of course are not there. We've got about  
24 a third of our cities that have met their goal and  
25 another third that are very close and then there's about

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1 26 percent that we're working on and we're among that 26  
2 percent.

3           Cooperative relationships, I would just like to  
4 talk about the city-county recycling coordinator groups.  
5 We meet regularly with these groups, all again working  
6 toward the goal of AB 939. I work with the city managers  
7 working group that advises me on a variety of issues.  
8 The waste disposal agreements are big issues for the  
9 County of Orange, keeping our rates stable throughout the  
10 county, meeting our long-range goals. Those are all  
11 things we work on with them. And waste industry  
12 technical advisory committee again are partners, the  
13 haulers, we meet with them on a quarterly basis.

14           Communication with regulators, we meet  
15 regularly -- I should say quarterly and regularly, more  
16 than quarterly, but we have regular quarterly meetings  
17 with all the regulators, and anyone from the regulatory  
18 agents can put information or put agenda items on that  
19 meeting agenda, and it gives us the opportunity to not  
20 only share problems we have but also to talk about  
21 redundant regulations in some cases, regulations where we  
22 seem to be stepping on ourselves, or areas that we don't  
23 seem to be doing quite the job the regulators would like  
24 us to do.

25           The other success, recently we were advised by

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1 SWANA -- and I'll be going back to Cincinnati, Ohio to  
2 receive this award that we received, the 2000 Planning  
3 and Financial Excellence award. It's a gold award. It's  
4 the highest in the category for financial and planning  
5 management. It's reflective, I think, of our A-plus bond  
6 rating, as well as our long-term financial planning.  
7 I'll also be giving you a copy of our 15-year plan, and  
8 again SWANA saw that and our financial statements, and  
9 we're all very proud of that as an organization.

10 Challenges, regulatory compliance, AB 939. As I  
11 said, we've done a lot but we've got a long way to go.  
12 Closed landfills monitoring, the 20 closed sites, we're  
13 in the midst of a study right now, trying to make sure  
14 that we've done everything the regulators, the LEA would  
15 like us to do, also to make sure that we have satisfied  
16 our responsibilities as far as these sites are concerned.  
17 Many of them are owned privately or jointly owned, and  
18 those continue to be a challenge.

19 Urban development on or around landfills, I  
20 think you all know that with this economy people are  
21 looking for every piece of dirt they can to build on. We  
22 recently had a request to build a school, not right on  
23 top of but very close to a closed landfill, and that's  
24 creating quite a challenge for us right now.

25 RELOOC is long-range study that we're looking at

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1 right now. We've been in this process for about a year.  
2 Where are we going to go 40 years out? Where is Orange  
3 County's trash going to go. As you know, I'm preaching  
4 to the choir once again, but the landfills are  
5 diminishing capacity, they're a limited resource.  
6 They're filling up as we speak, and what are we going to  
7 do to satisfy the waste needs of Orange County for the  
8 year 2039 is the study period. The importation of waste,  
9 which is a program we started for bankruptcy recovery,  
10 continues. That's an issue, political issue for us and  
11 the diversion of the millenium electronic wastestream.  
12 That's all this electronic gear that can't be recycled.  
13 What are we going to do with it. So we're looking into  
14 all those areas.

15 With that, I would like to show you this. The  
16 film is only four minutes. We'll cue it up and start it  
17 right now. After that if you have any questions, I would  
18 be glad to answer them.

19 (Film presentation)

20 MR. SILBER: Again, I do have some material I  
21 want to leave with your Board. I thank you very much for  
22 your attention. I would like to add just one comment on  
23 that film. It will be shown on our local cable networks,  
24 as well as provided to our school districts for  
25 educational purposes.

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1           CHAIR MOULTON-PATTERSON: That's a great  
2 educational tool and I can see why you're very proud of  
3 it. We appreciate the report.

4           Did any Board Members have any questions? You  
5 did a great job.

6           MR. SILBER: Thank you for your time.

7           CHAIR MOULTON-PATTERSON: I'm always really  
8 proud of Orange County and their efforts. Thank you so  
9 much for coming and sharing with us.

10          Okay. We'll get going on our regular agenda.  
11 Before we get started, I'd like to announce that at 2:00  
12 we'll have our multifamily unit panels. As you recall,  
13 the Board asked that we have discussion on the apartments  
14 and mobile home parks in our area, and so our staff has  
15 put together some panels to discuss this and we'll have  
16 that at 2:00 today.

17          Also, items that have been pulled are 20, 21,  
18 22, and 33. Items Number 21 and 22 were pulled due to a  
19 lack of quorum at the loan committee and we hope that  
20 they'll be heard in September. Items 20 and 33 were  
21 policy items that were pulled because the stakeholders  
22 could not be here as they're working on bills at the end  
23 of the legislative session and will also be heard in  
24 September. However, for any of you that had planned to  
25 address the Board on Items 20 and 33, we will take

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1 testimony at approximately 4:00 p.m. today for  
2 consideration.

3           We have no continued business agenda items, so  
4 we'll move to the consent calendar. Items Number 1, 2,  
5 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 23, 25 have been  
6 placed on the consent calendar. Would any Board Members  
7 wish to pull any of these items from consent?

8           Mr. Eaton.

9           BOARD MEMBER EATON: Madam Secretary -- I'm  
10 sorry. Madam Chair, I'd like to pull the following items  
11 with an explanation for you: Item Number 5, 6, 7 and 8.  
12 Now, before anyone gets nervous about the fact that it's  
13 Huntington Beach or Fountain Valley, in keeping with my  
14 past traditions I do not believe that the calculations or  
15 extrapolations done by certain individuals match what I  
16 believe is the sound statisticians or comes close to what  
17 was in the early '80s known as the Lacker Curve.

18           However, I have looked at the programs that  
19 these cities have worked on, Huntington Beach and  
20 Fountain Valley and some of the others, and do believe  
21 that they are now making a good faith effort but their  
22 figures standing alone represent an effort by which I  
23 think they can't reach. However, I can't in good  
24 conscience vote for that in a consent calendar setting.

25           So if we could just go through the roll call so

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1 that I could or otherwise we would come up with an  
2 alternative process, but when you get to Huntington  
3 Beach, which their diversion, at least according to the  
4 calculations by some individuals who were hired by the  
5 City, has 343,000 tons to 65,000 tons extrapolated. The  
6 65,000 tons extrapolated represent other programs in the  
7 City, the other extrapolation is 343,000. When it comes  
8 to Paramount, the difference is even greater, 37,500 by  
9 extrapolation and other formulas compared to the actual  
10 hard programs of 4,700 and so on.

11           It's very difficult for me to swallow those, but  
12 I don't want this to be an indication that I'm not  
  
13 supportive of the cities or what they have done without  
14 those extrapolations. That is not meant to be a  
15 reflection upon them.

16           At the same time you have the City of Norwalk  
17 which is on our calendar today. They're not allowed to  
18 do extrapolation. They were on a compliance schedule and  
19 Stan was supposed to have a public hearing. It's on  
20 consent today. I think if we have a form by which a city  
21 is placed on compliance and it becomes in some cases a  
22 black mark for some, we ought to at least when they do  
23 reach their goals, as Norwalk has done here, be commended  
24 for it as well.

25           So if we want -- and I'll leave my other

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1 questions for when we do some of the diversion stuff, but  
2 5, 6, 7 and 8 we can go through quickly and I'll just  
3 abstain. And the Board Members can vote and substitute  
4 the roll call, but I do believe that those numbers  
5 represent an unbelievable amount of diversion, especially  
6 when you have a beach city like Huntington Beach, which  
7 has as my understanding 18 pounds per person, which a lot  
8 of that comes in from tourism and what have you. That's  
9 residential. That's not business audits and how that  
10 looked and, they're doing one hell of a job just handling  
11 that kind of traffic every year, but these extrapolations  
12 and formulas, at least because of some statisticians that  
13 my staff has spoken with, are nothing more than that,  
14 just a formula to make things look good.

15 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.

16 We'll take off 5, 6 and 7 and 8 from the consent  
17 calendar. Any other Board Members? Okay.

18 Then we will take Items 1, 2, 9, 11, 12, 13, 14,  
19 15, 23 and 25 for consent. Do we have a motion?

20 BOARD MEMBER PAPARIAN: I'll move the consent  
21 calendar.

22 CHAIR MOULTON-PATTERSON: Motion by  
23 Mr. Paparian.

24 BOARD MEMBER MEDINA: Second.

25 CHAIR MOULTON-PATTERSON: Seconded by

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1 Mr. Medina.

2 Secretary, please call the roll.

3 BOARD SECRETARY: Eaton.

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY: Jones.

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY: Medina.

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY: Paparian.

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Moulton-Patterson.

14 CHAIR MOULTON-PATTERSON: Aye.

15 BOARD MEMBER EATON: Madam Chair, if you just

16 want to call 5, 6, 7 and 8 and substitute the roll call,

17 maybe those individuals in the audience can leave so they

18 don't have the inconvenience of time.

19 CHAIR MOULTON-PATTERSON: Would you call the

20 roll on Item 5. Should we do it individually?

21 BOARD MEMBER JONES: Madam Chair.

22 CHAIR MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: I'll move adoption of

24 Resolutions 2000-314, 2000-331, 2000-358 and 2000-345.

25 CHAIR MOULTON-PATTERSON: I'll second that.

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1           We have a motion by Mr. Jones, seconded by  
2 Moulton-Patterson.

3           Secretary, please call the roll.

4           BOARD SECRETARY: Eaton.

5           BOARD MEMBER EATON: Abstain for the reasons  
6 stated.

7           BOARD SECRETARY: Jones.

8           BOARD MEMBER JONES: Aye.

9           BOARD SECRETARY: Medina.

10          BOARD MEMBER MEDINA: Aye.

11          BOARD SECRETARY: Paparian.

12          BOARD MEMBER PAPARIAN: Aye.

13          BOARD SECRETARY: Roberti.

14          BOARD MEMBER ROBERTI: Aye.

15          BOARD SECRETARY: Moulton-Patterson.

16          CHAIR MOULTON-PATTERSON: Aye.

17          BOARD MEMBER JONES: Madam Chair.

18          CHAIR MOULTON-PATTERSON: Mr. Jones.

19          BOARD MEMBER JONES: I voted aye on all of these  
20 because number one, I think we went down this process and  
21 it's a fair way to do it, but I've had a meeting with  
22 some folks on the numbers and have some questions. And I  
23 think actually Mr. Paparian and I were in a meeting and  
24 there were some questions raised. So I've got to get a  
25 lot of these questions answered before September 6th and

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1 September 7th when we go over this because there may be a  
2 very large hole in this thing in my view.

3 CHAIR MOULTON-PATTERSON: Okay. Thank you,  
4 Mr. Jones.

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: I also want to mention I  
7 do have some concerns as well and I'm going to want to  
8 look at this in more depth. I think Mr. Eaton has raised  
9 some good questions about what's going on here.

10 CHAIR MOULTON-PATTERSON: Thank you,  
11 Mr. Paparian.

12 That takes us to Item Number 3, and I'd like to  
13 invite forward Ms. Morgan from Local Assistance and  
14 Planning Compliance and turn it over to her.

15 MS. MORGAN: Cara Morgan, Office of Local  
16 Assistance. Myself, Chris Schmidle, and Steve Uselton  
17 will be representing the Diversion, Planning and Local  
18 Assistance Division today.

19 The first item for our division is agenda Item  
20 Number 3. Item 3 is consideration of the City of Temple  
21 City's base year correction in the 1997-1998 biennial  
22 review.

23 The City has requested a correction to their  
24 1998 base year. In order to achieve a more accurate  
25 picture of the waste diversion, the City is submitting

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1 additional diversion data for the 1998 base year based on  
2 an audit of private sector activities such as recycling,  
3 composting and source reduction to complete their 1998  
4 waste generation study information. There was no  
5 extrapolation of the data performed.

6 Staff have also conducted the 1997-1998 biennial  
7 review of the City's Source Reduction and Recycling  
8 Element and their Household Hazardous Waste Element.  
9 Staff have found that the City has successfully  
10 implemented both their Source Reduction and Recycling  
11 Element as well as their Household Hazardous Waste  
12 Element.

13 With the base year corrected as requested, the  
14 City's diversion rate would be 38 percent for 1998.  
15 Board staff has determined that the method used to  
16 correct the base year has been adequately documented and  
17 is generally consistent with Board standards for  
18 accuracy.

19 Therefore, staff is recommending that the  
20 request to correct the base year be approved and the  
21 biennial review findings be accepted. A representative  
22 of the City is here to answer any questions that you  
23 might have. The --

24 BOARD MEMBER ROBERTI: Just in a nutshell, what  
25 was the request? What was the base year correction that

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1 was --

2 MS. MORGAN: The base year correction was to add  
3 additional commercial sector diversion. The City did  
4 establish a new 1998 base year back in October of 1999.  
5 So they just needed more time to get additional data. So  
6 this is being added back into their 1998 rate.

7 With that, perfect transition. In their 1998  
8 base year that came before the Board in October, the City  
9 also quantified inerts, C&D diversion from some of the  
10 inert facilities in L.A., New Way and Peck Road. We did  
11 verify that this material is acceptable as diversion.

12 This material is processed and sold to  
13 contractors who use it for various projects, road  
14 projects, different types of construction projects. This  
15 does have a connection to issues that have been raised  
16 with the C&D regs, and at this time Julie Nauman will  
17 provide you an update of the C&D regs.

18 So I'll turn it over to her.

19 BOARD MEMBER EATON: Can I ask Ms. Morgan a  
20 question? So this went to New Way and what other?

21 MS. MORGAN: Peck Road.

22 BOARD MEMBER EATON: In what year?

23 MS. MORGAN: This is 1998 disposal. This was  
24 back in October when they established their new base  
25 year. Part of that diversion was New Way and Peck Road

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1 diversion.

2 BOARD MEMBER EATON: Perhaps you can refresh my  
3 recollection. Senate Bill 515 by Senator Wesley Chesbro,  
4 which allowed for us not to recover fees during this  
5 period of time, as part of that we were assured that  
6 those products that were going in there would not get  
7 diversion credit. Is diversion credit part of this?

8 MS. MORGAN: It is a part of it. This is the  
9 diversion --

10 BOARD MEMBER EATON: So how can we not allow  
11 under the bill, the statute for diversion, and grant them  
12 diversion in this instance? We can't have it both ways.  
13 Under 515 that was one of the compromises to the bill, if  
14 I'm not mistaken, that the cities and counties would not  
15 be granted diversion for this material.

16 I think, Senator Roberti, you were here  
17 originally and remember that was part of the debate. I'm  
18 just trying to find out if that was the case.

19 CHAIR MOULTON-PATTERSON: Mr. Chandler.

20 MR. CHANDLER: Let me raise a good question and  
21 see if this helps to clarify, Mr. Eaton. It's our  
22 understanding of the provisions of Senate Bill 515 dealt  
23 with the material, and I'm quoting, that goes to, quote,  
24 fill the landfill is not counted as diversion but is in  
25 the disposal tonnage.

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1           What we were grappling with at that time is that  
2   there was this contention that because some of this  
3   material was going in as a mine reclamation effort, that  
4   somehow diversion credit should be afforded that  
5   material, and under the legislation it was clearly  
6   established that any material going into a mine  
7   reclamation site would not be allowable for diversion  
8   credit.

9           What we've established here, and through staff's  
10   interpretation of looking at the operation out there, the  
11   material that has come to that facility, Peck Road and  
12   New Way, was processed, crushed and made available for  
13   contractors to go off site again and be used as road  
14   base. So we didn't feel it fell within the statutory  
15   definitions of what 515 was attempting to clarify, which  
16   was that material that goes into a mine reclamation site  
17   should not be allowable.

18           BOARD MEMBER EATON: And the follow-up question  
19   is have we collected fees on it.

20           MR. CHANDLER: That I have to ask --

21           BOARD MEMBER EATON: Because the fee drives  
22   whether or not diversion credit then under that bill and  
23   how it was tricky that way. And I just think that we  
24   have to kind of just be aware of those situations where  
25   it's not to penalize the city or what have you, but we

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1 have to be consistent in applying it and I just think  
2 that that's not what the legislation was intended for.

3 MR. CHANDLER: I certainly agree with you on the  
4 basis of the legislation was attempting to make clear  
5 that any material, any C&D construction material that  
6 goes into a hole should not be considered -- be allowed  
7 for diversion credit. Cara, do you have anything off the  
8 top of your head?

9 CHAIR MOULTON-PATTERSON: Senator Roberti had a  
10 question.

11 BOARD MEMBER ROBERTI: I'm still a little  
12 unclear. This material was crushed before it went into  
13 the hole?

14 MR. CHANDLER: It never went into the hole is  
15 what we're trying to say. It was construction debris.  
16 Let's say you knocked down a freeway sound wall.

17 BOARD MEMBER ROBERTI: Where was it stored?

18 MR. CHANDLER: It went to the facility. It was  
19 then crushed.

20 BOARD MEMBER ROBERTI: The facility that does  
21 the crushing.

22 MR. CHANDLER: New Way or Peck Road Landfills or  
23 in this case the --

24 BOARD MEMBER ROBERTI: Where they crushed it.

25 MR. CHANDLER: Where it was crushed, processed

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1 and then sold to contractors to be used as road base, but  
2 it never went into the mine that was being reclaimed at  
3 these sites.

4 Mr. Eaton makes a good point in that this became  
5 an issue through Senate Bill 515 to clarify the material  
6 that was perhaps C&D material, inerts that go to these  
7 types of facilities should not be eligible for diversion  
8 credit. We were careful to look at this claim for  
9 diversion credit to verify it actually went to a  
10 beneficial use.

11 BOARD MEMBER ROBERTI: And we can just argue  
12 that if this happenstance or coincidental, whatever, that  
13 it goes to the landfill which also processes C&D as well  
14 as burying it.

15 MR. CHANDLER: But I will get back to you.

16 BOARD MEMBER ROBERTI: I'm trying to find out  
17 Mr. Eaton's question as to whether a fee was collected.

18 MR. CHANDLER: Right.

19 CHAIR MOULTON-PATTERSON: So you'll get back to  
20 us on that?

21 MR. CHANDLER: Yes.

22 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton  
23 and Senator Roberti.

24 Ms. Morgan -- or Ms. Nauman.

25 MS. NAUMAN: Julie Nauman, Permitting and

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1 Enforcement Division.

2 Just a real quick update on the C&D regulations,  
3 you'll recall that last fall staff came forward with a  
4 package attempting to tier C&D materials, and at that  
5 time there were a number of very difficult issues that  
6 were not resolved to the Board's satisfaction, including  
7 some that have just been spoken about, the mine  
8 reclamation sites, how to treat those, whether they have  
9 mine reclamation plans or not, the whole issue of fees,  
10 and then finally the impact that treatment would have  
11 potentially on diversion rates for cities and counties.

12 At that time you directed staff to rework the  
13 package. We had run up against our one-year time limit  
14 with the Office of Administrative Law.

15 So we have begun that process. We are  
16 attempting to refocus the package, try and get back to  
17 the fundamentals of protection of health, safety and the  
18 environment. With the seven regulation packages that  
19 we're managing within the Division, we're trying to  
20 assemble the work groups, put together work plans for  
21 each of these with specific time lines, and we'll be  
22 bringing that back to the Board for your review.

23 So I'll be providing you with periodic updates  
24 on the progress on this package as well as all the other  
25 packages.

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1           CHAIR MOULTON-PATTERSON: So at this time you  
2 don't have a --

3           MS. NAUMAN: I don't have a date to commit to  
4 you. We're working on juggling all these (inaudible),  
5 but we'll continue to work through the time lines on  
6 those. I'm hoping that we can move some of these along  
7 fairly quickly. Some of them are fairly small in scale,  
8 but we're balancing this with (inaudible) as with the  
9 others.

10          CHAIR MOULTON-PATTERSON: Thank you. We  
11 appreciate you giving this update. We had a lot of  
12 questions on that. Thank you.

13          Ms. Morgan.

14          MS. MORGAN: Just in conclusion, when the City  
15 did do their new base year for 1998, from these  
16 facilities in doing the new base year, disposal as well  
17 as the diversion from this processed material that was  
18 sold to contractors went into the City's 1998 base year.  
19 The question of whether the fees were paid on this  
20 diversion activity we will have to follow up on because  
21 we don't have that information, but it is a separate  
22 processing.

23          We have had our DRS staff out visiting these  
24 facilities to ensure that this material does not go into  
25 the hole. It's a separate type of processing activity.

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1           BOARD MEMBER EATON: When we adjust these base  
2 years, how does that relate to our 1990 original  
3 diversion numbers for cities like what we've just done --  
4 what we've done with Huntington Beach and Fountain  
5 Valley? We started out in 1990 with a statewide  
6 diversion rate of 13 percent to 17 percent.

7           Now as we're moving everyone up to base years in  
8 1998 and '99, there is no basis for those 1990 figures,  
9 so those figures have to be adjusted somewhat or backed  
10 out. I would hope as part of our diversion accuracy that  
11 we be able to respond to that question because it's in  
12 the numbers, and I would sure hate next year to be  
13 embarrassed as a Board and an administration where we're  
14 touting a certain number and then they said that you've  
15 looked at a certain number and haven't backed out what  
16 you adjusted. Under the scheme we have, we could  
17 actually be showing in 1990 a diversion rate in the mid  
18 30s, in which with case why do we even have 939? So we  
19 need to do that.

20           MS. MORGAN: We will be sharing the numbers at  
21 the accuracy workshop to address that and how that's done  
22 with the statewide diversion rate.

23           That concludes the presentation. If there are  
24 any other questions for staff. Also, there's a  
25 representative from the City if you would have any

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1 questions for the City.

2 CHAIR MOULTON-PATTERSON: Okay.

3 Mr. Medina.

4 BOARD MEMBER MEDINA: Madam Chair, if there are  
5 no further questions, I would like to move Resolution  
6 2000-354.

7 CHAIR MOULTON-PATTERSON: Thank you. I'll  
8 second.

9 Motion by Mr. Medina, seconded by  
10 Moulton-Patterson to approve Resolution 2000-354 to  
11 correct the base year for the previously approved Source  
12 Reduction and Recycling Element and consideration of  
13 staff recommendation on the 1997-98 biennial review  
14 findings of the Source Reduction and Recycling Element  
15 and Household Hazardous Waste Element for the City of  
16 Temple City, Los Angeles County.

17 Secretary, please call the roll.

18 BOARD SECRETARY: Eaton.

19 BOARD MEMBER EATON: Aye.

20 BOARD SECRETARY: Jones.

21 Medina.

22 BOARD MEMBER MEDINA: Aye.

23 BOARD SECRETARY: Paparian.

24 BOARD MEMBER PAPARIAN: Aye.

25 BOARD SECRETARY: Roberti.

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1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY: Moulton-Patterson.

3 CHAIR MOULTON-PATTERSON: Aye.

4 Item 4. Thank you.

5 Please keep the roll open for Mr. Jones on Item  
6 Number 3.

7 MR. SCHMIDLE: Board Members and Chair, this  
8 is -- my name is Chris Schmidle. I'm with the Office of  
9 Local Assistance, south section, and I'll be presenting  
10 agenda Item Number 4, consideration of staff  
11 recommendation on the 1997-98 biennial review findings  
12 for the Source Reduction and Recycling Element and  
13 Household Hazardous Waste Element for the City of Signal  
14 Hill, Los Angeles County.

15 California Integrated Waste Management staff  
16 conducted a 1997-98 biennial review of the City of Signal  
17 Hill's Source Reduction and Recycling Element and  
18 Household Hazardous Waste Element and found that the City  
19 has successfully implemented its SRRE and HHWE diversion  
20 programs. A complete listing of the programs has been  
21 provided to you.

22 The City has requested the ability to use an  
23 alternative adjustment factor from Plymouth to estimate  
24 the 1997 and 1998 generation amounts. Using the City's  
25 requested alternative employment adjustment factors, the

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1 1997 and 1998 diversion rates are 53 percent and 51  
2 percent respectively.

3           Board Members, we're going to make a change in  
4 our recommendation to you on this issue. Previous to  
5 this the City could not assure our staff that they were  
6 using -- that their own employment factor that they  
7 developed themselves using their business license lists  
8 met our standards for development of a scientifically  
9 reliable set of numbers. Just yesterday the Director of  
10 Finance for the City of Signal Hill sent us additional  
11 data responding to some of our questions, and we now feel  
12 that they've sufficiently defined for us that the  
13 business license list is -- that the standards they were  
14 using in 1990 and 1998 are the same and that they are  
15 doing a very good job of purging those lists and making  
16 sure that all new businesses are accounted for in the  
17 list.

18           Therefore, we would like to change our  
19 recommendation. Former recommendation was number two,  
20 that you not approve the City's use of the alternative  
21 adjustment factor. Staff can now support the City's  
22 claim for the use of an alternative adjustment factor, so  
23 we would recommend that you adopt option number one.

24           And that's the end of my presentation. If you  
25 have any questions for me, and I believe there's a

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1 representative from the City here.

2 CHAIR MOULTON-PATTERSON: Thank you,  
3 Mr. Schmidle. Any questions? Do we have a motion?

4 BOARD MEMBER ROBERTI: Madam Chair, Resolution  
5 2000-347, I move that we adopt it.

6 BOARD MEMBER MEDINA: Second.

7 CHAIR MOULTON-PATTERSON: We have a motion to  
8 approve 2000-347, to approve by Senator Roberti, seconded  
9 by Mr. Medina.

10 Would the secretary please call the roll.

11 BOARD SECRETARY: Eaton.

12 BOARD MEMBER EATON: Aye.

13 BOARD SECRETARY: Jones.

14 Medina.

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY: Paparian.

17 BOARD MEMBER PAPARIAN: Aye.

18 BOARD SECRETARY: Roberti.

19 BOARD MEMBER ROBERTI: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 CHAIR MOULTON-PATTERSON: Aye.

22 We kept the roll open for Mr. Jones.

23 BOARD MEMBER JONES: On this last item, aye.

24 CHAIR MOULTON-PATTERSON: And number 3.

25 BOARD MEMBER JONES: Number 3 is aye.

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1 CHAIR MOULTON-PATTERSON: Great. Thank you.

2 MR. BLOCK: Madam Chair, as a point of  
3 clarification, because the recommendation was changed,  
4 Resolution 2000-347 as it's currently worded in your  
5 board packet is to not approve the alternative.

6 CHAIR MOULTON-PATTERSON: Right.

7 MR. BLOCK: I want to clarify this motion was  
8 for this resolution as amended to approve.

9 CHAIR MOULTON-PATTERSON: Thank you for that  
10 clarification.

11 At this time I would like to make a slight  
12 change in our agenda and bring up Item 28, if that's okay  
13 with staff. Apparently there's some equipment that needs  
14 to be used that's going to be moved, so if we could  
15 bring -- would that be okay with you, Ms. Nauman?

16 MS. NAUMAN: We're ready.

17 CHAIR MOULTON-PATTERSON: Sorry for the surprise  
18 we're on Item Number 28.

19 MS. NAUMAN: Item 28 is consideration of a new  
20 Solid Waste Facility Permit for the Puente Hills Material  
21 Recovery Facility in Los Angeles County. Bill Marciniak  
22 of our staff will be making the presentation.

23 CHAIR MOULTON-PATTERSON: Thank you.

24 MR. MARCINIAK: Good morning, Madam Chair and  
25 Board Members. I'm Bill Marciniak from the Board's

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1 Permitting and Inspection Branch and I'll be presenting  
2 agenda Item 28, along with Don Stocktonberg with the Los  
3 Angeles County Local Enforcement Agency, which is  
4 consideration of a new Solid Waste Facility Permit for  
5 the Puente Hills Material Recovery Facility in Los  
6 Angeles County.

7           The facility will be owned and operated by Los  
8 Angeles, the County Sanitation Districts of Los Angeles  
9 County. The proposed permit will allow the phased  
10 construction of a 215,000 square foot Material Recovery  
11 Facility on a 25-acre parcel of land. Construction of  
12 the first phase of the facility is expected to be  
13 completed in the year 2000 to provide a processing  
14 capacity of 2,000 tons per day on average.

15           Completion of the final phase of construction is  
16 expected to be completed in the year 2006. At completion  
17 of the facility it will be capable of handling a daily  
18 average of 4,000 tons per day with a peak receipt of  
19 4,400 tons. Any waste received at the facility which is  
20 transferred to the adjacent Puente Hills Landfill for  
21 disposal shall count against the daily and weekly waste  
22 limits for the landfill. Therefore, the tonnage accepted  
23 at the Material Recovery Facility will have no affect  
  
24 upon the longevity of the Puente Hills Landfill.

25           The facility will operate 24 hours a day, Monday

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1 through Saturday. Waste receipt and off-site transport  
2 will be limited between the hours of 9:00 a.m. and 4:00  
3 p.m. and between 7:00 p.m. and 6:00 a.m.

4           The Local Enforcement Agency has made the  
5 following findings: That the proposed facility is  
6 identified in the Non-Disposal Facility Element of Los  
7 Angeles County's Countywide Integrated Waste Management  
8 Plan; that based upon the review of the Report of  
9 Facility Information the design of the facility will  
10 allow the facility operations to be conducted in  
11 compliance with state minimum standards; that the  
12 proposed permit is consistent with and supported by the  
13 California Environmental Quality Act analysis; and the  
14 Local Enforcement Agency has certified that the  
15 application package is complete and correct and they have  
16 stated that no written public comments have been  
17 received.

18           Board Permit staff have also reviewed the  
19 proposed permit and supporting documentation and found  
20 them to be acceptable. Board staff of the Office the  
21 Local assistance found that the facility description in  
22 the proposed permit is consistent with the description in  
23 the County's Non-Disposal Facility Element and,  
24 therefore, the proposed permit is in conformance with the  
25 County's Non-Disposal Facility Element, and the Board

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1 Environmental Review staff have determined that the  
2 environmental documents are adequate for the Board's  
3 environmental evaluation and approval by the Board.

4 Please note that inadvertently a wrong page 4  
5 had been included in the agenda item package. The  
6 corrected page 4 has been provided in the back of the  
7 room. The new page includes language regarding the  
8 frequency of load checks for hazardous waste. The load  
9 check frequency will be based upon a quantity of solid  
10 waste received at the facility.

11 In conclusion, staff recommend that the Board  
12 adopt Solid Waste Facility Permit Decision Number  
13 2000-368 concurring with the issuance of Solid Waste  
14 Facility Permit Number 19-AA-1043. Mr. Don Stocktonberg,  
15 as well as John Gullledge and members of the staff of the  
16 Solid Waste Management Department of the County  
17 Sanitation Districts of Los Angeles County and myself are  
18 available to answer any questions you may have.

19 Any questions?

20 CHAIR MOULTON-PATTERSON: Thank you.

21 BOARD MEMBER EATON: I have a question.

22 CHAIR MOULTON-PATTERSON: Mr. Paparian was first  
23 and then Mr. Eaton.

24 BOARD MEMBER EATON: We had this conversation  
25 what, a week and a half ago. For this permit what are we

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1 approving? What is the number of tons we are approving?

2 MR. MARCINIAK: 4,400.

3 BOARD MEMBER EATON: That 4,400 is not  
4 operational, it's contingent upon the second phase being  
5 built.

6 MR. MARCINIAK: Right.

7 BOARD MEMBER EATON: What happens if the second  
8 phase is not built? Does that mean that facility still  
9 has 4,400 tons under the way we approve it because that's  
10 been some of the issues that have been arising in this  
11 setting.

12 MR. MARCINIAK: I would imagine that the Local  
13 Enforcement Agency wouldn't allow them to go to that  
14 tonnage.

15 BOARD MEMBER EATON: Well, the permit doesn't go  
16 there. That was part of the issue that we have with some  
17 of these permits. And I have no doubt with the San  
18 District, which I feel very strongly about, but that's  
19 why I raise the issue. The issue is we are approving a  
20 certain tonnage, and yet the second phase we won't know  
21 whether or not it is even operational. So if it doesn't  
22 become operational, there's a change in plans, the permit  
23 still remains at 4,400.

24 MR. MARCINIAK: Well, the Report of Station  
25 Information does have in there that first phase can only

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1 accommodate a maximum of 3,000 tons per day with an  
2 average of 2,000. That could be a conditioning document  
3 to prevent them from going to 4,400.

4 MR. DE BIE: Just to add my two cents, Mark  
5 DeBie with the Permitting and Inspection Branch. The  
  
6 package describes a phased facility with a maximum  
7 tonnage that's consistent with CEQA documentation, but  
8 the facility must comply with the operational description  
9 as well as the design aspects that are included in the  
10 permit package.

11 So the first phase is -- it's not designed to  
12 accommodate that tonnage, and if they did receive that  
13 tonnage without going to phase two, they would need to  
14 come back and either adjust their operating documentation  
15 to indicate how they're now able to deal with that  
16 tonnage with the existing phase one and/or revise their  
17 permit to address that situation.

18 So it wouldn't be automatically able to take the  
19 tonnage with just the phase one.

20 BOARD MEMBER EATON: Revising the permit, which  
21 is the latter option, would obviously be a Board action.  
22 How about the former where it would just be operational?  
23 Would that be delegated to the staff or something the  
24 Board would have to act upon?

25 MR. DE BIE: Depending upon how they address

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1 the situation, whether they need to readdress CEQA, and I  
2 believe they would, I think staff would take the position  
3 and work with the LEA, as well as the operator, to  
4 indicate that a permit revision would be required in this  
5 situation. I think we would reach a threshold of  
6 significance that we would need to have it come back to  
7 the Board for their concurrence on the permit.

8 BOARD MEMBER EATON: So staff's position is, for  
9 the record, that if phase two is not begun, that there  
10 currently are enough safeguards in here that they can't  
11 go to the larger of 4,400.

12 MR. DE BIE: There are triggers that can be  
13 activated to require them to come back and readdress the  
14 project if they don't go to phase two and do bump up  
15 their tonnage.

16 BOARD MEMBER EATON: Thank you.

17 CHAIR MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: A couple of questions.  
19 My understanding is that they're expecting 15 percent  
20 recovery of waste in the MRF; is that right?

21 MR. MARCINIAK: I believe it was either 15 or  
22 25. The operator is here. They can.

23 BOARD MEMBER PAPARIAN: My next question, just  
24 so you know as you're coming up, if it's 15 -- that seems  
25 a bit low.

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1           MR. GULLEDGE: If I could address that just very  
2 briefly, the design is based upon a 15-percent minimum  
3 recovery grade. So in terms of how we're designing the  
4 facility, we're using that as sort of our minimum. We  
5 hope to achieve far greater than that, but we needed to  
6 take a number and that's what we chose for the design  
7 purposes.

8           BOARD MEMBER PAPARIAN: While you're here, let  
9 me also ask -- it's not part of our discussion today, but  
10 I know there's an expectation of re-permitting of the  
11 landfill later on. Now, again that issue is not before  
12 us today, but when that comes before us either we approve  
13 it or don't approve it. If it's not approved, does that  
14 affect the operation of this MRF or how does it affect  
15 the operation of this MRF?

16          MR. GULLEDGE: I think that's an excellent  
17 question and I had a presentation I was going to give at  
18 that point, but I think the bottom line to make here is  
19 that these are two separate issues. The MRF is one  
20 permit, the landfill is another permit. Whatever happens  
21 on the landfill permit in the future is totally separate  
22 and distinct from the MRF permit that we're talking about  
23 here today. So if for some reason that the landfill  
24 permit, which we don't feel should happen, but then we  
25 have strong reasons why we would advocate that that

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1 landfill permit should be issued, but if for some reason  
2 that didn't happen, the MRF would still be there. We  
3 would still operate that Materials Recovery Facility  
4 consistent with the plans that we have.

5 BOARD MEMBER PAPARIAN: And the disposal  
6 material would go to?

7 MR. GULLEDGE: Well --

8 CHAIR MOULTON-PATTERSON: Excuse me. Could you  
9 state your name for the record?

10 MR. GULLEDGE: My name is John Gulledge. I'm  
11 with the L.A. County Sanitation Districts and I'm the  
12 head of the Solid Waste Management Department.

13 CHAIR MOULTON-PATTERSON: Thank you. Sorry,  
14 Mr. Paparian.

15 MR. GULLEDGE: Sorry about that. Where would it  
16 go at that point in time? Well again, that's part of  
17 what my presentation was going to be. We have both  
18 short-term and long-term plans. Short-term would be to  
19 utilize as much in-county capacity as we possibly can and  
20 including working with Orange County in terms of some  
21 disposal options, but long-term, and I think some of the  
22 Board Members are aware of the fact that we've recently  
23 entered into some agreements for the purpose of two  
24 landfills, the Eagle Mountain Landfill and for the  
25 Mesquite Regional Landfill, one in Riverside County, the

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1 other one in Imperial County, to provide for the  
2 long-term capacity needs of Los Angeles County. So those  
3 would be the options for the residuals, for those  
4 materials to go at that point in time.

5 CHAIR MOULTON-PATTERSON: Did you want to give  
6 your presentation now? Are you planning on --

7 MR. GULLEDGE: If I may, unless you just prefer  
8 that I answer questions.

9 BOARD MEMBER ROBERTI: If it's in your  
10 presentation, I'll wait, and that is the nearest  
11 residential area I understand is City of Hacienda Heights  
12 or are there other residences close?

13 MR. GULLEDGE: Actually, there are others a  
14 little closer, but Hacienda Heights is one of the  
15 communities on the boundary of the landfill. It's  
16 probably close to three miles away with significant --

17 BOARD MEMBER ROBERTI: Three miles from the  
18 landfill or --

19 MR. GULLEDGE: Where the Material Recovery  
20 Facility would be located, with significant intervening  
21 terrain between those two. So it's really pretty much a  
22 non-issue for that community.

23 BOARD MEMBER ROBERTI: And what other  
24 residential area would be closer to --

25 MR. GULLEDGE: We have some residences located

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1 to the north of the facility and just -- maybe the  
2 closest residence maybe about 1,500 feet away. And those  
3 communities, all of those communities participate in the  
4 Citizens Advisory Committee to the Sanitation Districts  
5 and have been very active in this process, not only on  
6 the landfill permits in the past but also on the Material  
7 Recovery Facility.

8 In terms of those communities, the communities  
9 to the north of the facility have actually sent in  
10 letters in support of the facility. In the case of the  
11 Hacienda Heights community, they took a position of  
12 non-opposition, shall we say. While they didn't come  
13 forward and give us a letter directly in support, they  
14 are not against the project.

15 BOARD MEMBER ROBERTI: That's in effect further  
16 from the facility than the communities to the north.

17 MR. GULLEDGE: That's correct.

18 BOARD MEMBER ROBERTI: Thank you.

19 CHAIR MOULTON-PATTERSON: If you'd like to  
20 proceed with your presentation --

21 MR. GULLEDGE: Okay. If I could.

22 CHAIR MOULTON-PATTERSON: Now would be the time.

23 MR. GULLEDGE: I do have copies, which I'll  
24 leave with the clerk, of the presentation here today.

25 I'll give you a little background on landfills

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1 in Los Angeles County. Currently the Sanitation  
2 Districts either own, operate or manage four facilities  
3 in L.A. County. We have our Calabasas Landfill which is  
4 located -- that's Item Number 1 -- far west end of the  
5 San Fernando Valley. Basically it's the cities of Agoura  
6 and Calabasas out there. We have the Shoal Canyon  
7 Landfill located in the city of Glendale. We have our  
8 Puente Hills Landfill, which is located at the  
9 intersection of the Pomona and 605 freeways, and we have  
10 the Spadra Landfill which is located in the city of  
11 Pomona, immediately adjacent to Cal Poly Pomona  
12 University.

13           These four sites basically manage roughly, I  
14 would say, in the neighborhood of about 50 percent of the  
15 trash being generated in L.A. County, probably around  
16 36,000 tons a day being generated currently. In addition  
17 to our sites, we have another five sites in the county,  
18 operated by private sector companies. So we have a  
19 unique blend here in L.A. County of public and private  
20 operation of facilities which has provided for excellent  
21 competition between the two, as well as helping to  
22 maintain rates that are very competitive and to the  
23 benefit of the communities that we all serve.

24           This particular slide is to show you the Puente  
25 Hills Landfill as well as the Material Recovery Facility.

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1 The landfill is about 1,365 acres in total. It's  
2 outlined in yellow. The 605 freeway is located on the  
3 left side, the Pomona freeway is located on the top of  
4 your screen there, and basically the north arrow would be  
5 up and down there. To the far right where you see the 60  
6 there, that's the community of Hacienda Heights. That's  
7 the one I was referring to being close to three miles  
8 away from where the Materials Recovery Facility side is  
9 which is located on the far western edge of the landfill  
10 facility.

11 BOARD MEMBER PAPARIAN: Back on Senator  
12 Roberti's questions, are those residences down below the  
13 facility or are those just streets? Hard to tell.

14 MR. GULLEDGE: That's the Rose Hills Cemetery  
15 immediately adjacent to us is what we're looking at.

16 BOARD MEMBER PAPARIAN: Permanent residents.  
17 (Laughter)

18 BOARD MEMBER EATON: Obviously a name everyone  
19 recognizes.

20 MR. GULLEDGE: But they are not a vocal group.  
21 (Laughter)

22 BOARD MEMBER PAPARIAN: And then sort of, I  
23 guess north, kind up in the upper part of the screen.

24 MR. GULLEDGE: The upper part of the screen,  
25 that's part of the community I was referring to being to

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1 the north of the site that we have a letter in support,  
2 and if you see those large buildings immediately adjacent  
3 to the MRF site, those are commercial, light  
4 industrial-type buildings in there. And just a little  
5 bit to the north of there, there's a small little  
6 conclave of homes. That's what I was referring to,  
7 Senator Roberti, with respect to the closest residences  
8 being about 1,500 feet away from the site. Those are the  
9 ones I was referring to.

10 BOARD MEMBER PAPARIAN: In terms of Hacienda  
11 Heights, they are fairly close to the landfill.

12 MR. GULLEDGE: They're close to the landfill,  
13 that's correct, but not very close to the -- where the  
14 Materials Recovery Facility is.

15 The Materials Recovery Facility consists really  
16 of a total of 25 acres. 18 acres are being supplied  
17 through a lease arrangement with RRC Development Company.  
18 That was the first area highlighted. The remaining eight  
19 acres are current property that we own at the site.

20 I think we've really kind of covered most of the  
21 points I wanted to make on that. I jumped a little fast.  
22 One remaining point, which we've kind of talked about  
23 already, which is that we're here on a permit for the MRF  
24 facility today, not the landfill. That will come up for  
25 its permit renewal in 2003. The current permit goes

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1 through November of 2003. I'm sure we'll have  
2 significant input and significant comments to be  
3 presented to the Board at that point in time, but that's  
4 then and this is now with respect to the Materials  
5 Recovery Facility.

6 As I said earlier, we either have support as  
7 noted by the communities to the north or we have  
8 basically an acknowledgement of the facility by Hacienda  
9 Heights.

10 This is the same picture of the landfill, only a  
11 close-up view. Here's the 25 acres I was referring to.  
12 The blue area is the footprint, roughly, of what we  
13 anticipate being the building structure and that. Again  
14 in the foreground here you see the commercial structures.  
15 Again, this is the area of housing that was about 1,500  
16 feet or so away from the project.

17 In terms of access, for those of you that have  
18 been to the Puente Hills Landfill, you may have realized  
19 there were two points of entrance -- one being the red  
20 area, that being the main access road coming off the  
21 Pomona freeway into the facility, and if you look at the  
22 upper corner on the left of the blue area, that's about  
23 where an entrance is off what we call Workman Hill Road.

24 As part of this project, that will be closed and all the  
25 traffic will be coming in the opposite direction, both to

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1 the landfill as well as to the Material Recovery  
2 Facility. All of the access will be coming in --  
3 basically a freeway access point to the landfill. Again,  
4 that will help reduce impacts within the local area, the  
5 business community and the local homes right adjacent to  
6 the project.

7           In terms of a basic project description, your  
8 staff kind of gave it to you already, but I'll just  
9 mention again 4,000 tons per day, receiving waste six  
10 days per week. Recovery efforts will be primarily aimed  
11 at commercial waste. We anticipate a minimum of 15  
12 percent. We hope to do much better and any residual  
13 waste -- and I think we kind of addressed this already --  
14 with truck transport or rail transport, the rail being if  
15 the landfill is not available or if we've moved ahead  
16 with implementation of a rail haul program.

17           And educational opportunities, the Districts  
18 have plans to install viewing galleries for the local  
19 communities so we can get school groups here to take a  
20 look at the project and become more familiar with the  
21 Materials Recovery Facility and recycling and that type  
22 of thing for the school groups.

23           We also have an ongoing relationship with Rio  
24 Hondo College, which is one of our neighbors also of the  
25 facility concerning their environmental technician

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1 program and we hope to integrate some additional training  
2 programs and we're in discussions with them concerning  
3 that right now for this facility.

4 Just an artist's rendering looking at the  
5 facility to give you an idea of what it will look like.  
6 We're working on the details of that design right now.  
7 Basically it's a 215,000 square foot cube kind of there  
8 with roughly an elevation of about 65 feet for the height  
9 of the building.

10 BOARD MEMBER EATON: Will any of that be made  
11 out of recycled content product?

12 MR. GULLEDGE: We're looking at that. That is  
13 an excellent question. That is one of our goals and  
14 objectives is to incorporate that as we can to the extent  
15 it's financially feasible for us to do so. And so that  
16 is one of the goals that our contractor has or our  
17 engineering firm has that's putting together the design  
18 for us.

19 BOARD MEMBER EATON: Will that include roads as  
20 well?

21 MR. GULLEDGE: Yes.

22 BOARD MEMBER EATON: Do you have additional  
23 arteries to get in there? I know the Workman entrance --

24 MR. GULLEDGE: There will be additional work. I  
25 mean obviously --

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1               BOARD MEMBER EATON: We've got some extra tires  
2 if you need them.

3               (Laughter)

4               MR. GULLEDGE: I've heard they have defects,  
5 though.

6               (Laughter)

7               BOARD MEMBER EATON: Not for laying down as  
8 rubberized asphalt. You see, I think you ought to go to  
9 the RAC center and get an education.

10              (Laughter)

11              MR. GULLEDGE: In terms of our solid waste  
12 management objectives, I've kind talked about this a  
13 little bit, was again to secure regional capacity to the  
14 extent available through both rail haul for the long-term  
15 needs. Of course we've all heard about what's happening  
16 there.

17              I want to talk a little bit about how the  
18 re-permitting of the Puente Hills Landfill, which we're  
19 not here to talk about today, but at least how that  
20 figures into that process and how the MRF, as we see it,  
21 fits into this process as well. Now, this will just be  
22 illustrative to give you some idea of the kind of  
23 information that the District has been talking about for  
24 quite some time now, looking at projected range of  
25 disposal capacity, the green representing capacity in the

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1 county, and we've created two lines here to show what  
2 happens if the communities achieve an AB 939 diversion  
3 rate of 50 percent, or let's say in aggregate they don't  
4 achieve it and instead we're only at 35 percent, to give  
5 some perspective at what time we'll have a shortfall of  
6 capacity in L.A. County.

7           Basically what you see here just to illustrate  
8 that somewhere between 2006 and 2013 is our best guess  
9 at this point in time when additional capacity will be  
10 necessary, when the potential exists to implement a rail  
11 haul type of program for Los Angeles County.

12           BOARD MEMBER PAPARIAN: 50 percent is not  
13 necessarily the ceiling.

14           MR. GULLEDGE: I understand that.

15           BOARD MEMBER PAPARIAN: If you're doing really  
16 well, maybe you should have a lower line on there.

17           MR. GULLEDGE: We can put another one on there.  
18 This was more for illustrative purposes, if anything.  
19 Obviously it could fall between those two and it could be  
20 greater. If it could be greater, although it would have  
21 to be significantly greater to extend it beyond the 2013,  
22 if you look at the drop-off point there, which is  
23 basically -- the 2013 line is the assumption there that  
24 Puente Hills Landfill has now reached its closure point.

25           BOARD MEMBER EATON: Why the shortfall?

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1           MR. GULLEDGE: Excuse me?

2           BOARD MEMBER EATON: Why the shortfall with all  
3 the other capacity?

4           MR. GULLEDGE: The different points -- in the  
5 year 2000 we see a drop-off.

6           BOARD MEMBER EATON: You have to maintain 15  
7 years of capacity; correct?

8           MR. GULLEDGE: The cities are supposed to  
9 maintain 15 years of capacity, yes.

10          BOARD MEMBER EATON: So without -- do you have  
11 that now without the extension on Puente Hills?

12          MR. GULLEDGE: Without the extension on Puente  
13 Hills, no, I would say there is not 15 percent of  
14 capacity within the county.

15          BOARD MEMBER EATON: What does that mean for our  
16 staff? Are they out of compliance or in compliance?  
17 Don't they have to maintain 15 years of capacity?

18          MR. CHANDLER: Demonstrate that.

19          BOARD MEMBER EATON: Demonstrate that.

20          MR. BLOCK: Elliott Block from the legal office.  
21 Just to answer that question, there is a requirement to  
22 maintain 15 years of capacity and then in terms of -- you  
23 asked the question of how does our staff do that.

24                 The law also requires that every five years  
25 jurisdictions and the Board do a five-year review of the

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1 Countywide Integrated Waste Management Plans, which  
2 includes the siting element. When we do that five-year  
3 review, which for Los Angeles would be sometime in the  
4 next few years, we would be looking at that issue.

5 BOARD MEMBER EATON: I'm trying to figure out  
6 where the shortfall is because I know the contract for  
7 the purchase of the two --

8 MR. BLOCK: The other thing I should mention, as  
9 well the 15-year capacity requirement, is that 15 years  
10 of capacity, and if there isn't 15 years of capacity then  
11 it needs to be a strategy for obtaining that. So it  
12 could be a combination of the actual capacity plus what  
13 steps they're going to take to secure additional  
14 capacity.

15 CHAIR MOULTON-PATTERSON: Thank you, Mr. Block.

16 MR. GULLEDGE: Okay. Again, I think you --  
17 most of the Board is somewhat familiar where the location  
18 of these facilities are. Eagle Mountain at the top of  
19 the screen there reflected by a little blue triangle and  
20 Mesquite down towards the bottom. Both of them are about  
21 205 miles or so from the Puente Hills MRF site to these  
22 facilities. Even though it looks like Eagle Mountain  
23 might be closer, it has a very long access on a private  
24 line of about 52 miles or so, which kind of makes up the  
25 difference. Basically Mesquite is very close to the main

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1 line.

2           One of the things I was trying to discuss  
3 earlier was just basically how we see these things  
4 fitting together. Puente Hills Landfill has a capacity  
5 of about 12,000 tons per day permitted capacity and  
6 currently is charging roughly \$18 a ton. The MRF  
7 project, assuming a unit train and 4,000 tons per day,  
8 has been projected to be about \$55 per ton to get it  
9 there. So basically what we're looking at is a fee  
10 levelization between the two where we would have 16,000  
11 tons per day coming into the Puente Hills facility, part  
12 to the landfill, part to the MRF, all those tons charged  
13 at the same rate, essentially \$27.30 per ton.

14           The advantage of this we see as two-fold, one to  
15 kind of sort of guard against a sticker shock, if you  
16 will, that the local communities would have to bear if it  
17 was \$55 a ton, and two, it helps provide for the  
18 competition. Remember, we have a competitive situation  
19 between not only ourselves but the private sector in  
20 terms of operational landfills. This will help keep  
21 those rates from sky-rocketing and help us compete with  
22 them.

23           BOARD MEMBER EATON: And this is what year?

24           MR. GULLEDGE: That's based upon current  
25 dollars, basically. So --

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1           BOARD MEMBER EATON: Right. You're not getting  
2 the 4,000 TPD yet. You're not getting that until 2006.  
3 That's what the testimony was.

4           MR. GULLEDGE: This is if we put rail haul into  
5 service.

6           BOARD MEMBER EATON: I got you.

7           MR. GULLEDGE: Future developments, obviously  
8 we've been talking about the Puente Hills MRF here today.  
9 We are in design. We hope to commence construction in  
10 2001. We've also talked about expansion of the system  
11 beyond the Puente Hills MRF. We're in discussions and  
12 actually have a Joint Powers Agreement that's been  
13 drafted between us and the City of Los Angeles for  
14 development of some programs, and we're also interested  
15 in discussions with private-public-type partnerships for  
16 development of other MRF and rail loading facilities,  
17 then obviously the future re-permitting of the Puente  
18 Hills Landfill.

19           That's kind of my presentation I wanted to give  
20 to you today. If you have any additional questions, I'll  
21 be happy to answer them.

22           CHAIR MOULTON-PATTERSON: Thank you very much  
23 that's very interesting. Do we have any questions?  
24 Hearing none.

25           BOARD MEMBER JONES: Madam Chair.

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1 CHAIR MOULTON-PATTERSON: Mr. Jones.

2 BOARD MEMBER JONES: I would like to move  
3 adoption of Resolution 2000-368 for the consideration of  
4 a new Solid Waste Facility Permit for the Puente Hills  
5 Materials Recovery Facility in L.A. County.

6 BOARD MEMBER EATON: I'll second.

7 CHAIR MOULTON-PATTERSON: Motion by Mr. Jones,  
8 seconded by Mr. Eaton, to approve Resolution 2000-368,  
9 approval of a new Solid Waste Facility Permit for the  
10 Puente Hills Materials Recovery Facility, Los Angeles  
11 County.

12 Secretary, please call the roll.

13 BOARD SECRETARY: Eaton.

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY: Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Medina.

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY: Paparian.

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 CHAIR MOULTON-PATTERSON: Aye.

25 Motion approved.

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1           At this time we'll take a ten-minute break.

2           (Recess taken)

3           CHAIR MOULTON-PATTERSON: I'd like to call the  
4 meeting back to order.

5           I would like to just take a moment and recognize  
6 one of our former Board Members. We're so glad to have  
7 Mr. Sam Aggegian. Sam, thank you. It's so nice of you  
8 to come and see us all, and we appreciate all your past  
9 service. Thank you for coming.

10          MR. AGGEGIAN: Thank you for recognizing me.

11          CHAIR MOULTON-PATTERSON: My pleasure.

12          We're on -- back on Item Number 10, but before  
13 we go, ex partes, Mr. Eaton.

14          BOARD MEMBER EATON: I just said hello to Sam  
15 Aggegian as well, and a short meet-and-greet with Joe  
16 Montoya.

17          CHAIR MOULTON-PATTERSON: Mr. Jones.

18          BOARD MEMBER JONES: No.

19          CHAIR MOULTON-PATTERSON: Mr. Medina.

20          BOARD MEMBER MEDINA: Short comments with Joe  
21 Montoya as well.

22          CHAIR MOULTON-PATTERSON: Thank you.

23          Mr. Paparian.

24          BOARD MEMBER PAPARIAN: Similarly short  
25 meet-and-greet with Sam Aggegian and Joe Montoya.

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1 CHAIR MOULTON-PATTERSON: Thank you.

2 Senator Roberti.

3 BOARD MEMBER ROBERTI: Yes. I have a letter  
4 here from Mr. John A McClurg, President of Fire and Light  
5 Originals regarding the proposed increases in the  
6 interest rate on Recycling Market Development Zone loans.

7 CHAIR MOULTON-PATTERSON: Thank you. And I have  
8 none to report.

9 So that brings us to Item Number 10 and  
10 Ms. Morgan. Mr. Schmidle.

11 MR. SCHMIDLE: Madam Chair, Board Members, this  
12 is consideration of request for extending compliance  
13 order due dates for the City of La Canada-Flintridge and  
14 the City of Hawthorne, both in Los Angeles County.

15 The Integrated Waste Management Board issued  
16 compliance orders to the City of La Canada-Flintridge on  
17 October 20th to correct its data problems. The City has  
18 undertaken a 1999 waste generation study and will apply  
19 for a new base year.

20 The City's generation study was originally due  
21 May 3rd, 2000. The City requested and was granted an  
22 extension to July 15th, 2000 to get an updated disposal  
23 data. The City has now voluntarily expanded the number of  
24 corporate waste audits in its waste generation study and  
25 is therefore requesting a second due date extension to

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1 October 31st, 2000 to complete this additional work.

2           The Board issued a 1995-1996 biennial review  
3 compliance order to the City of Hawthorne on January  
4 27th, 1999 to meet its requirements. The City is  
5 implementing all its source reduction and recycling  
6 selected diversion programs. The City requested and was  
7 granted an extension for completion to May 15th, 2000.

8           The City of Hawthorne reports complete  
9 implementation of its required tasks on time. However,  
10 the City has recently found that two of the new programs  
11 are not producing what the City considers to be adequate  
12 diversion tonnage. Therefore, the City is now requesting  
13 a voluntary extension to their compliance order to  
14 November 10th, 2000 to allow them to show good faith by  
15 implementing additional performance enhancement for these  
16 two programs.

17           Board staff endorses both of these and  
18 recommends that the Board grant the request for the  
19 extension.

20           I would like to point out that on page 10-2  
21 there is a minor typo down at the bottom in the last  
22 paragraph, and in Table 1 it mentions the date June 15th,  
23 2000. That actually should be July 15th, 2000. So  
24 please -- it's correct on the first page, it's just a  
25 typo on the second page.

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1           That's the end of my presentation unless you  
2 have questions, and I believe there's a representative  
3 from the City of Hawthorne here.

4           CHAIR MOULTON-PATTERSON: Thank you very much.  
5 I just have one question and I'll call on Mr. Eaton.  
6 This would probably be -- this is only like one extension  
7 isn't there? I can see this going on a long, long time  
8 and taking up a lot of staff time. Is normally -- I  
9 don't have the history of it.

10          MR. SCHMIDLE: Right.

11          CHAIR MOULTON-PATTERSON: Do we have a lot of  
12 these?

13          MR. SCHMIDLE: I would say that there's probably  
14 at least eight jurisdictions that have had second  
15 extensions. We're now seeing a few jurisdictions coming  
16 back for third extensions but for cause, and in this case  
17 they're actually expanding on what they originally  
18 promised to do for the Board and they're increasing the  
19 amount of work that they're doing.

20          CHAIR MOULTON-PATTERSON: Thank you.

21          Mr. Eaton.

22          BOARD MEMBER EATON: Did the final disposal  
23 tonnage figures come in for 1999 with regard to the La  
24 Canada-Flintridge, which was the original extension was  
25 granted for?

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1           MR. SCHMIDLE: For La Canada-Flintridge, no,  
2 those numbers are not in because the jurisdiction has  
3 expanded the number of audits they're doing.

4           BOARD MEMBER EATON: My understanding was when  
5 we granted the last extension it wasn't for the audits.  
6 The audits have arisen subsequent to the other extension.  
7 That's a different cause. The first cause was, and it's  
8 right here in your work-up, that -- because finalized  
9 disposal tonnage for 1999 were not available for the  
10 Board until June 1st, 2000.

11           My question was did those come through and are  
12 those on record.

13           MR. SCHMIDLE: Yes.

14           BOARD MEMBER EATON: And then subsequently with  
15 the diversion du jour for the week or the month or the  
16 year, subsequently we've gone into these business audits.  
17 So they did complete their first extension.

18           MR. SCHMIDLE: In order to do the diversion  
19 study, they needed numbers from both sides, the disposal  
20 and the diversion side. On the disposal side, this was  
21 the case of the numbers simply not available for the  
22 Board because they had not been processed by the  
23 counties. So they asked for an extension on the disposal  
24 site.

25           They also asked for an extension on the

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1 diversion, and the diversion involved the audits. So the  
2 disposal numbers did come in and it would be possible for  
3 them to do a generation study right now. However, they  
4 feel that if they had an opportunity to do additional  
5 audits that they would have more accurate data.

6 BOARD MEMBER EATON: How many of the extensions  
7 have been granted due to these expanded waste audits that  
8 involve the extrapolations and other kinds? Are all the  
9 extensions we're seeing now either the firsts or seconds  
10 based upon these?

11 MR. SCHMIDLE: I believe all of the requests for  
12 an extension that have been asked for have been granted  
13 by the Board up to this date.

14 BOARD MEMBER EATON: But the reasons for the  
15 extensions are because of these waste audits that are  
16 becoming fashionable? I'm trying to pick up a pattern  
17 here and I'm not going to pull punches. If the word  
18 spreads around these are a good way to get something  
19 quick and dirty and we make a commitment to have an  
20 extension based on a particular item, that's what was  
21 here in La Canada-Flintridge and those come in and they  
22 get another extension based on other things. It's not a  
23 situation of not wanting to do it, I was just trying to  
24 get some sense.

25 MR. SCHMIDLE: Many of the jurisdictions had an

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1 option when they were doing compliance orders and they  
2 were allowed to choose either trying to fix their  
3 original base year or to do a new generation study. What  
4 we found, especially down here in the south area, is that  
5 many of the jurisdictions in the original base year, the  
6 problem was that they failed to adequately account for  
7 corporate waste. In other words, they went to their  
8 waste hauler and got disposal and diversion numbers and  
9 that's the reason you saw many of these numbers being so  
10 radically wrong, minus 52 percent, for example, in some  
11 cases. So a new generation study was indicated.

12           One of the components of doing a new generation  
13 study is doing business audits in order to try to figure  
14 out what the corporate sector is doing. Whether they're  
15 extrapolated or not, that's a whole different issue.  
16 That's an individual study and it's up to the City to  
17 decide how they're going to do the audit.

18           CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.  
19 Any more questions. Hearing none, do we have a motion  
20 for this?

21           Well, I will go ahead and then move Resolution  
22 2000-348 extending compliance orders for due dates for  
23 the City of La Canada-Flintridge and City of Hawthorne,  
24 Los Angeles County.

25           BOARD MEMBER ROBERTI: Second.

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1 CHAIR MOULTON-PATTERSON: Moved by  
2 Moulton-Patterson, seconded by Roberti.  
3 Please call the roll.  
4 BOARD SECRETARY: Eaton.  
5 BOARD MEMBER EATON: Aye.  
6 BOARD SECRETARY: Jones.  
7 BOARD MEMBER JONES: Aye.  
8 BOARD SECRETARY: Medina.  
9 BOARD MEMBER MEDINA: Aye.  
10 BOARD SECRETARY: Paparian.  
11 BOARD MEMBER PAPARIAN: Aye.  
12 BOARD SECRETARY: Roberti.  
13 BOARD MEMBER ROBERTI: Aye.  
14 BOARD SECRETARY: Moulton-Patterson.  
15 CHAIR MOULTON-PATTERSON: Aye.  
16 Thank you, Mr. Schmidle.  
17 That moves us to Item 16, Mr. Uselton.  
18 MR. USELTON: Good morning, Madam Chair and  
19 Members of the Board. I'm Steve Uselton. I'm supervisor  
20 of the Fullerton office and I'm supporting the Office of  
21 Local Assistance in working with L.A. jurisdictions.  
22 Item 16 is for the consideration of staff  
23 recommendation regarding change of base year to 1999,  
24 1997-1998 biennial review findings, and completion of  
25 compliance order IWMA BR99-93 for the City of Lakewood in

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1 Los Angeles County.

2 The City of Lakewood has requested a change in  
3 their base year to 1999. Using the new base year the  
4 City's diversion rate will be 23 percent for 1999. On  
5 September 21st, 1995, the Board approved a reduction in  
6 the City's 1995 diversion goal to 21 percent.

7 The City of Lakewood has worked closely with  
8 staff over the last several months to develop this new  
9 base year information and respond to requirements  
10 outlined in the compliance order. Staff also conducted a  
11 1997-98 biennial review of the City's Source Reduction  
12 and Recycling Element and Household Hazardous Waste  
13 Element and found that the City has successfully  
14 implemented its programs. A comprehensive list of those  
15 programs has been attached to this agenda.

16 Board staff recommends the Board adopt  
17 Resolution 2000-355 to approve the City's base year  
18 change, accept the 97-98 biennial review findings and end  
19 the compliance order.

20 I am available to answer questions, as well as  
21 representatives from the City.

22 CHAIR MOULTON-PATTERSON: Thank you,  
23 Mr. Uselton.

24 Mr. Eaton.

25 BOARD MEMBER EATON: I don't know why I'm

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1 talking today. It seems like these are old favorites to  
2 come back before us.

3           What is the implication by us approving the 1999  
4 with regard to our reduction in 1995 of the rate to 21  
5 percent? Do we now because there's a different kind of  
6 base year have to go back and sort of, you know -- sort  
7 of take that resolution and make it non-effective because  
8 of the 1999 new base year? What is the interaction  
9 there? Is there any legal effect?

10           MR. USELTON: I'll have to defer that to our  
11 legal --

12           CHAIR MOULTON-PATTERSON: Mr. Block.

13           MR. BLOCK: That's a very interesting question.  
14 You know, I'm not going to be able --

15           BOARD MEMBER EATON: You don't have to answer  
16 today. Tell me you'll come back at a future time and  
17 give the accuracy to it rather than take up time today,  
18 but the implication here is as you start moving your base  
19 years from what was originally here in your 1990 figures,  
20 move them here and the Board grants these reductions and  
21 then you move, there are certain implications there.

22           MR. BLOCK: Right. And I don't know how the  
23 number calculations would pan out. In other words,  
24 technically it is possible to calculate backwards using  
25 the adjustment method from 1999 to '95, but separate from

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1 that issue -- and I don't know what that calculation  
2 would or wouldn't be, the number for '99 -- I forgot  
3 already.

4 BOARD MEMBER EATON: 23.

5 MR. BLOCK: 23. The reduction we granted for  
6 '95 was 21 percent. But separate from that when we do  
7 the biennial reviews and what we're looking at with the  
8 compliance orders is both the numbers and the programs.  
9 And part of what we've looked at in taking Lakewood off  
10 the compliance order is the program implementation as  
11 well.

12 So you certainly raised a very interesting  
13 question in terms of how exactly the number pans out. I  
14 think the recommendation is based on the fact that  
15 Lakewood has, in fact, done a program implementation that  
16 we were looking at as part of meeting the '95  
17 requirements. I'm not sure if that's enough of an answer  
18 for you today or if you would want us to come back with  
19 something more specific on that actual calculation. We  
20 have that -- I use the word anomaly whenever we're doing  
21 these post-95 base year changes that we've been dealing  
22 with with a number of these in statute. The Board is  
23 doing those based on some statutory language about having  
24 the most accurate numbers possible, but you end up with a  
25 certain anomaly because the statute of course was written

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1 with 1990 and '95 in mind. So we have something that  
2 doesn't quite fit exactly, so that's one of the reasons  
3 we've been kind of doing -- one of the many reasons we've  
4 been both looking at the numbers and looking at the  
5 programs. I don't know if that helps or not.

6 BOARD MEMBER EATON: It answers my question.

7 CHAIR MOULTON-PATTERSON: Thank you, Mr. Block.

8 BOARD MEMBER JONES: Madam Chair.

9 CHAIR MOULTON-PATTERSON: Mr. Jones.

10 BOARD MEMBER JONES: I want to congratulate the  
11 City of Lakewood. They put up with a lot of grief, but  
12 they got the job done and were part of the 500 and  
13 whatever it is, 46 other cities that were pulling their  
14 weight. I know that it took a lot of grief and the Mayor  
15 is here, and I'm glad that they were able to be  
16 successful.

17 So I'm going to move adoption of Resolution  
18 2000-355.

19 CHAIR MOULTON-PATTERSON: Thank you, Mr. Jones.  
20 I'll second that.

21 Motion by Mr. Jones, seconded by  
22 Moulton-Patterson, to approve Resolution 2000-355.

23 Please call the roll.

24 BOARD SECRETARY: Eaton.

25 BOARD MEMBER EATON: Aye.

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1 BOARD SECRETARY: Jones.

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY: Medina.

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY: Paparian.

6 BOARD MEMBER PAPARIAN: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 CHAIR MOULTON-PATTERSON: Aye.

11 That takes us to Number 17.

12 MS. USELTON: Madam Chair, Members of the Board,

13 Item 17 is for consideration of staff recommendation on

14 the request for reduction in the 2000 diversion

15 requirements pursuant to Public Resources Code Section

16 41786 for the City of Lakewood in Los Angeles County.

17 Public Resources Code Section 41780 requires

18 that each jurisdiction divert 50 percent of its waste

19 from disposal by the year 2000. Section 41786 allows the

20 Board to reduce the diversion requirements for a

21 jurisdiction which is dependent upon transformation and

22 which meets certain criteria.

23 Based on the percentage of waste transformed on

24 or before January 1st, 1990 in its 20-year contract with

25 the transformation facility, the City qualifies to

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1 petition to the Board for reduction in diversion goals.

2 The Board approved the City's petition for reduction of  
3 the 1995 diversion requirement on September 21st, 1995.

4           The City of Lakewood is petitioning for a goal  
5 reduction of 42 percent in the year 2000. The petition  
6 request is based upon the City conducting a new base year  
7 study and an analysis of potential future diversion.

8 Working closely with Board staff, the City has evaluated  
9 other diversion programs that could be expanded or  
10 implemented. Several new programs would be introduced  
11 including working with a MRF to target green waste and  
12 paper in their residential wastestream, establishing a  
13 green waste drop-off collection center at city facilities  
14 or other sites, a (inaudible) incentive for commercial  
15 separation of green waste and roll-off bins, enhanced  
16 public education programs, increased street sweeping  
17 diversion, business audits, food waste and restaurant  
18 diversion program, and working with schools on diversion  
19 and education programs. A full listing of these new or  
20 expanded efforts is provided in table 2 of this item.  
21 The City has also committed to continue existing  
22 programs.

23           Board staff recommends the Board adopt  
24 Resolution 2000-359 approving the City's petition for  
25 reduction in the diversion requirement to 42 percent for

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1 the year 2000. I am available to answer questions.  
2 Representatives from the City of Lakewood are also  
3 available and Mayor Wayne Piercy would also like to  
4 address the Board with his comments on the City's  
5 commitment to this matter.

6 CHAIR MOULTON-PATTERSON: Thank you. Mayor  
7 Piercy.

8 MR. PIERCY: Madam Chair and Members of the  
9 Board, I am Wayne Piercy, Mayor, City of Lakewood. I  
10 intend to be brief.

11 I'm here primarily to answer questions or to  
12 direct them to our appropriate staff members on Lakewood  
13 waste reduction.

14 Let me first thank you for your patience. You  
15 have never hesitated to meet with us and you have been  
16 courteous and frank. You have given us abundant  
17 opportunities to be heard.

18 As you may have suspected when you became  
19 acquainted with us, we have experienced some difficulties  
20 coming to grips with the strategy to meet our obligations  
21 under AB 939. Believe me, it hasn't been easy to form a  
22 local consensus. The moment of change for us came when  
23 we stopped talking and advocating our long-held positions  
24 and chose instead to become active listeners and partners  
25 with you. We appreciate your efforts to help us with a

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1 policy framework that allows you to address our special  
2 circumstances without treating us in a manner that is  
3 unfair to the other jurisdictions.

4           What is before you today for approval is our  
5 petition for an 8 percent reduction under AB 260, a law  
6 passed by the legislature in 1992 to address our  
7 dependence and long-term policy commitment to  
8 transformation.

9           Our request for a year 2000 goal reduction is  
10 coupled with our solemn commitment to add 12 new or  
11 expanded program policies and supportive activities that  
12 will generate at a minimum 9.5 percent annually and added  
13 diversion over our existing programs. 9.5 percent. This  
14 is a program-driven goal reduction request, not a game of  
15 creative math.

16           Consequently, we couple our goal reduction  
17 request with our acceptance of the obligation under the  
18 proposed Board resolution to continue existing programs  
19 and to implement these new programs that we have  
20 proposed. Should these programs prove insufficient in  
21 meeting our new diversion goals, we will intensify our  
22 commitment or add new programs. You won't need to prompt  
23 us.

24           For the most part our 12 new programs or  
25 expanded efforts can be grouped into four categories --

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1 green waste diversion, restaurant food waste reduction,  
2 school curriculum and diversion activities, and expanded  
3 public information campaigns. I'm excited about all of  
4 these, but as a retired teacher and an urban high school  
5 administrator I'm most excited by the partnership that we  
6 pledge to form with our school districts.

7           In fact, Friday we have our first curriculum  
8 all-day seminar with our elementary teachers on a paid  
9 basis before the teachers go back to their schools in  
10 Lakewood. Frankly, I believe it's our patriotic  
11 obligation as leaders and parents to educate and involve  
12 our youth in source reduction and waste diversion efforts  
13 and then follow their example and fashion to achieve even  
14 more and higher diversion in the future.

15           In your agenda review session last week the  
16 issue was raised about the length of the AB 260 goal  
17 reduction. Let me state for record we seek this  
18 reduction only as long as those conditions exist that led  
19 to the legislature to enact AB 260. We ask that you  
20 continue to give deference to the legislative wisdom  
21 empowering you to recognize the commitment of a community  
22 like mine to participate in transformation facilities,  
23 provided that the commitment is the result of a long-term  
24 agreement entered into prior to 1990.

25           In return for your deference to the legislature,

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1 let me make our commitment to you very clear. We agree  
2 that the proposed AB 260 goal reduction should promptly  
3 cease in event our transformation participation with the  
4 SERRF Joint Powers Authority ends. This is only fair.  
5 We seek a fair shake, not a loophole.

6 Again, thank you for your patience. We have  
7 been a challenging jurisdiction. Though your patience  
8 and hard work and prompting of your Diversion and Local  
9 Assistance staff, we believe we have transformed  
10 ourselves to meet our responsibility by adding new  
11 programs and we pledge to implement them with enthusiasm.

12 If you have any questions I have some staff  
13 members here. We'd be glad to answer any of them.

14 CHAIR MOULTON-PATTERSON: Thank you, Mayor  
15 Piercy. We're really happy that you've implemented those  
16 programs, and I know I speak for my colleagues that  
17 they'll agree with me that your dedication and commitment  
18 to education is shared by all of us, so thank you.

19 MR. PIERCY: Thank you. I'm quite excited about  
20 our Friday session.

21 CHAIR MOULTON-PATTERSON: Yes.

22 Mr. Paparian.

23 BOARD MEMBER PAPARIAN: I have raised some  
24 concerns about this and I'm going to ask questions of our  
25 staff about this, but I want you to know my concerns are

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1 not a reflection on the good work that you've done in  
2 implementing a lot of really innovative programs and  
3 they're also not a reflection on your representation.  
4 You're very ably represented by folks who come and  
5 participate in board meetings and are available and open  
6 to answer any of the questions that we have. So I want  
7 you to know that my concerns don't reflect of your staff.

8 MR. PIERCY: I'm very proud of both staffs that  
9 worked together very well. Thank you for that comment.

10 Any other questions of me?

11 CHAIR MOULTON-PATTERSON: I don't think so.

12 Thank you very much.

13 Mr. Paparian, did you have staff questions?

14 BOARD MEMBER PAPARIAN: Couple questions for the  
15 staff. At the workshop we had last week -- I don't think  
16 you were at the workshop we had last week, but I had some  
17 questions about what -- what potentially we could do to  
18 condition this matter, condition this matter on continued  
19 progress, and what potentially we could do in the year  
20 2007 when the contract is up to bring them to a  
21 potentially 50 percent.

22 MR. BLOCK: Elliott Block from the legal office  
23 again. I figured out how to make this thing work the  
24 right way by moving it. Yesterday it was a little too  
25 wide.

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1           Basically the short answer to that question is  
2 at the moment you've actually got two different types of  
3 conditions that are already part in place with what's  
4 recommended before you, sort of two types of conditions  
5 you already have, one of which has been talked about.

6           The statute itself establishes conditions for  
7 the granting of this petition and has also been alluded  
8 to by the Mayor of Lakewood. If those conditions go  
9 away -- it's really the second condition, the substantial  
10 impairment of contract. If the contract were to go away,  
11 the basis for the reduction goes away in the first place.  
12 So in a sense that's already built into the way the  
13 statute is set up.

14           BOARD MEMBER PAPARIAN: The contract itself  
15 requires a certain type of material to go to the  
16 incinerator.

17           MR. BLOCK: There are some provisions, I  
18 believe, for what's acceptable or not.

19           BOARD MEMBER PAPARIAN: Right.

20           MR. BLOCK: They're not particularly detailed.

21           BOARD MEMBER PAPARIAN: Is there any conflict  
22 between that and recycling goals? Is some of the  
23 material that's under the contract really needs to go to  
24 the incinerator stuff that could normally be recycled in  
25 another community?

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1           MR. BLOCK: The contract itself -- I'm going to  
2 have to do this from memory. I didn't actually bring  
3 the contract with me, but last year we had a number of  
4 questions about that, last fall.

5           The contract itself contains some very specific  
6 provisions providing that the requirements in the  
7 contract, if they were to interfere with the City of  
8 Lakewood meeting the requirements of AB 939, that AB 939  
9 would supersede the contract. So in other words, if it  
10 were true that by not taking certain wastes to -- I'm  
11 sorry. By taking certain wastes to the transformation  
12 facility that would keep the City of Lakewood from  
13 meeting their obligations, the contract would in a sense  
14 be modified, if you will. In other words, they wouldn't  
15 have to do that.

16          BOARD MEMBER PAPARIAN: But the contract was  
17 signed in '87 and 939 passed in '89.

18          MR. BLOCK: But there are -- well, and this is  
19 why I'm doing this from memory, it wasn't 939 but in  
20 terms of meeting any kind of --

21          BOARD MEMBER PAPARIAN: State law.

22          MR. BLOCK: There also was actually -- and  
23 again, this is the problem when I do things from memory.  
24 There was a subsequent modification to the contract, an  
25 updating that was signed in subsequent to 939 where they

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1 adjusted some of those provisions. And then separate  
2 from the statute, separate from the statutory conditions,  
3 if you will, the statute also provides in its first  
4 bullet if the Board grants the reduction it must  
5 establish new diversion requirements which require  
6 maximum feasible amount of diversion without increasing  
7 costs by 15 percent or more.

8           The resolution before you now which references  
9 existing programs and new programs that Lakewood is  
10 committing to do in combination with the new reduction  
11 requirement essentially are conditions that are being  
12 placed on Lakewood. So the title of the item itself, of  
13 course, is a reduction in the 2000 diversion  
14 requirements. At some point subsequent to the year 2000,  
15 the Board will be doing a biennial review of Lakewood and  
16 they would be looking at both that percentage number and  
17 then also look at these existing and their new programs  
18 are, in fact, being implemented. Keep in mind these new  
19 programs are programs that are not in the original SRRE.  
20 They're being added to the obligations of Lakewood.  
21 Again, there's also a condition there and how that's  
22 done.

23           The one other question I think you asked at the  
24 briefing had to do with the year 2007, and I think my  
25 hesitancy to answer that question at the time was simply

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1 because it being so far in the future it was a little bit  
2 for me off the top of my head to get a handle on that,  
3 but to the extent that the same requirements are in place  
4 in 2007, the same conditions would be true. So in other  
5 words, if in 2007 the City of Lakewood is required to be  
6 at 50 percent diversion and that contract goes away  
7 because the statutory conditions are no longer present,  
8 the reduction would go away.

9 BOARD MEMBER PAPARIAN: Can we make this  
10 resolution effective only to the 42 percent until 2007?

11 MR. BLOCK: Right now the petition is only  
12 asking for reduction in the requirements for the year  
13 2000, which is why it doesn't reference 2007. Should --  
14 I know there's some bills that are in the legislature  
15 right now, playing a little with some of those language  
16 of the 2000 requirement, but they're not talking about --  
17 they're talking about, in other words, the maintaining of  
18 the standards so the same conditions would apply.

19 There's certainly nothing -- I think you heard  
20 the City of Lakewood also reference that if that contract  
21 were to go away, they would be back on having to make 50  
22 percent. Certainly there's nothing that would prevent us  
23 from stating that explicitly in the resolution. It's  
24 implicit in what the requirements are now.

25 BOARD MEMBER PAPARIAN: Let me make sure I

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1 understand something. You said this is the 2000  
2 diversion requirement that we're going for 42 percent.  
3 When I'm thinking of the 2000 diversion requirement is  
4 the same thing that's applying across the board to all  
5 cities. Normally they're required to meet 50 percent in  
6 2000.

7 MR. BLOCK: That's correct.

8 BOARD MEMBER PAPARIAN: This is for 42 percent  
9 in 2000. The way I've been interpreting that is if we  
10 adopt this as 42 percent for 2000, that is the amount  
11 that they would have to meet at least until the year  
12 2007.

13 MR. BLOCK: Well again, you're touching on here  
14 a larger issue that's being debated right now in the  
15 legislature. There is legislative language that talks  
16 about exactly what happens post-2000. AB 260, which this  
17 petition is being brought forward under, talks  
18 specifically in terms of petitions for reducing the '95  
19 requirement and the 2000 requirement. It doesn't talk  
20 about post-2000, if you will. It would potentially be  
21 continued if legislation is changed to provide for that.

22 BOARD MEMBER PAPARIAN: Aren't there some that  
23 would assert the 50 percent requirement stays in effect  
24 beyond 2000?

25 MR. BLOCK: Well, there's some ambiguity in that

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1 and that's why it's being discussed in the legislature.  
2 That's why I said that to the extent that that  
3 requirement were to stay, if the language were to be  
4 interpreted or changed to make clear that 50 percent is  
5 an ongoing requirement, then the petition language which  
6 references that there's an internal reference to the  
7 section on the .5, the 50 percent requirement would also  
8 be extended in the same way.

9 BOARD MEMBER PAPARIAN: Pardon me if I'm a  
10 little bit confused about this. If that scenario were to  
11 take place the way you described it, then are we saying  
12 that though the 50 percent requirement is being applied  
13 elsewhere, the 42 percent requirement is what's being  
14 required here unless there's some other action by the  
15 Board?

16 MR. BLOCK: I don't think that's what -- all I'm  
17 saying is that as what's being brought before you right  
18 now is just looking at the 50 percent requirement. There  
19 are certain other things going on outside the agenda item  
20 before you today which presumably will make clear the 50  
21 percent requirement continues past 2000.

22 BOARD MEMBER PAPARIAN: For other cities.

23 MR. BLOCK: Well, for all cities. For all  
24 cities.

25 BOARD MEMBER PAPARIAN: I guess what I meant is

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1 if the 50 percent requirement applies for all cities,  
2 what's going to happen with Lakewood? Is it 42 percent  
3 or 50 percent in the year 2002.

4 MR. BLOCK: As I would interpret it, it would  
5 stay 42 percent based on your -- if your action were to  
6 adopt this resolution, it would stay at 42 percent as  
7 long as the conditions in statute and the conditions  
8 we've established through the resolution are being met.

9 BOARD MEMBER PAPARIAN: So is there anything we  
10 could do to revisit that 42 percent if we desire to do  
11 that, say in the years between 2000 and 2007?

12 MR. BLOCK: Separate and apart from whether  
13 these conditions are met or not? I don't believe so. We  
14 do have -- if you look at corresponding language in the  
15 Act, the -- for instance, the petition for rural  
16 jurisdictions to reduce their requirements, there is  
17 express language in that statute that provides that the  
18 Board may revisit -- it doesn't use the word "revisit"  
19 but basically rescind those reductions if the conditions  
20 no longer exist. There is no corresponding language in  
21 Public Resources Code 41786, the AB 260 requirements.

22 BOARD MEMBER PAPARIAN: So our biennial review  
23 in the year say 2002 will be to see if there are these  
24 same conditions.

25 MR. BLOCK: That would be correct. The biennial

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1 in the year 2000 again, remember in 2001 or 2002,  
2 whenever it actually occurs, would be looking at what  
3 they did in 2000. We're always looking in arrears at  
4 past actions of what they've actually done. Did I answer  
5 your question?

6 BOARD MEMBER PAPARIAN: I'm digesting it. Thank  
7 you.

8 BOARD MEMBER EATON: While you're digesting,  
9 maybe I can ask a question of Mr. Block. In the year  
10 2000 they get a bump; is that correct? As a result of  
11 the statute they get 10 percent.

12 MR. BLOCK: The 10 percent is actually part of  
13 the calculations. I think it's in the agenda item  
14 itself.

15 BOARD MEMBER EATON: Is it part of the 23?

16 MR. BLOCK: It's part of the 42 percent. That  
17 includes the 10 percent.

18 BOARD MEMBER ROBERTI: Madam Chair.

19 BOARD MEMBER EATON: So I'm not sure why we  
20 would be including the 42. What I'm trying to figure out  
21 is we just got done approving them at 23; correct?  
22 Diversion rate was 23 in 1999.

23 MR. BLOCK: Right. That's correct.

24 BOARD MEMBER EATON: With the bump next year or  
25 this year they would be at 33; correct?

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1           MR. BLOCK: Correct.

2           BOARD MEMBER EATON: What we're being asked now  
3 is to reduce the bump that they get for transformation,  
4 which is 10 percent, puts them at 33 percent, and then  
5 we're asking at the same time as a result that  
6 transformation be knocked down 8 percentage points so  
7 they get an 18 percent bump, in essence, reducing from 50  
8 to 42 and increasing from 23 to 33.

9           MR. BLOCK: The 10 percent --

10          BOARD MEMBER EATON: Where is the ash question  
11 in all of this which then will put them up at 68 percent?

12          MR. BLOCK: My understanding is the ash --

13          BOARD MEMBER EATON: At least according to the  
14 bill that they're still trying to push.

15          MR. BLOCK: My understanding is in the  
16 calculations before you with the 42 percent the ash is  
17 not included. That has been debated.

18          BOARD MEMBER EATON: Has it been excluded  
19 specifically or is that a question? It will never be  
20 part of it?

21          MS. MORGAN: That is correct. Through the  
22 negotiations with the City, we have reached agreement  
23 that the ash will not be included. So what you see on  
24 page 17-5 lists with the current 1999 base year at 23  
25 percent. With the proposed new programs we're estimating

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1 the 9 and a half percent. And as you mention, the 10  
2 percent that they will be allowed in year 2000, that's  
3 how we've come up with the 42 percent goal reduction  
4 request and ash is not a part of that nor will it be.

5 BOARD MEMBER EATON: So the second prong of the  
6 test, the 15 percent increase in costs, is that based on  
7 the difference between 33 and 42 under the statute? The  
8 way I read the statute -- where are you basing the  
9 increased costs at? You've already adjusted the base  
10 year to 23. You get a free bump -- rightly so. I have  
11 no qualms with that -- to 33. Can't take 15 percent of  
12 what that cost would be because that's a free cost.

13 So are you saying that second prong of the test  
14 that increased costs to go from -- if were you to grant  
15 this from 33 percent to 42 percent, some 9 percentage  
16 points is 15 percent, exceeds 15 percent of the costs?

17 MS. MORGAN: What we looked at is that  
18 additional, the 9 and a half percent that you're  
19 referring to, that that was within that reason the  
20 City -- these were the programs that they could implement  
21 without putting a tremendous financial burden on the  
22 residents of the city. So that's what we looked at.

23 BOARD MEMBER ROBERTI: Madam Chair.

24 CHAIR MOULTON-PATTERSON: Senator Roberti.

25 BOARD MEMBER ROBERTI: If I can just interject

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1 here a moment. As I understand it, we have two separate  
2 issues that involve Lakewood. One, the 10 percent  
3 transformation credit, which is available to anybody who  
4 engages in transformation; second, the legislature in its  
5 wisdom said that the -- any city that provides more than  
6 75 percent of its trash to a transformation facility may  
7 have its diversion rate reduced.

8           Now, they voted that for some reason, and it's  
9 obvious the only reason was that we deal somehow with the  
10 City of Lakewood because they're the only ones that fall  
11 in this category and we have to come up with something, a  
12 sort of directive to us to come up with something that's  
13 fair, that recognizes that Lakewood is probably on a  
14 separate level from everybody else because they have this  
15 problem, but in part it's a problem of our making because  
16 the original Board encouraged Lakewood to go to a  
17 transformation incinerator facility. They were  
18 encouraged to do it.

19           Now, that's contrary to what seems to be orderly  
20 and clear public policy, but that's not really Lakewood's  
21 fault, at least as their original contract is concerned.  
22 That was something the old Board encouraged them to do.  
23 We should take that into consideration, especially when  
24 we have this legislative directive.

25           So I think the staff really has come up with a

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1 Solomon-like solution with obviously the assistance of  
2 the people of the City of Lakewood and have come up with  
3 this number, but I hope we don't confuse the two numbers.  
4 The transformation number is available to everybody,  
5 then the legislature passed legislation and recognizing  
6 Lakewood's special circumstances due to a policy which  
7 the City Council of Lakewood said that pursuant to the  
8 encouragement of this Board or the old Board, whatever we  
9 called it, and I just wanted to interject because there  
10 are really two separate issues -- one, the 75 percent  
11 issue that goes to the transformation facility and the  
12 legislature directed to us that we can do something if  
13 Lakewood is showing a good faith effort, and it seems to  
14 be clear working with our staff they are trying to do  
15 just that; and second the 10 percent transformation  
16 number that's available to everybody, and I understand  
17 many other jurisdictions that take advantage of this.  
18 Are there other jurisdictions that take advantage of this?

19 MS. MORGAN: Many will. Many will not get the  
20 full 10 percent, but many will receive it.

21 BOARD MEMBER ROBERTI: Okay. Thank you. I just  
22 thought I -- I wanted to keep those two separate points  
23 separate.

24 CHAIR MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: Madam Chair, I'll move

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1 adoption if there's no other questions.

2 BOARD MEMBER PAPARIAN: I had a couple.

3 CHAIR MOULTON-PATTERSON: Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Go back to the ash for a  
5 second. The ash is not going to be calculated here in  
6 the 42 percent?

7 MS. MORGAN: No.

8 BOARD MEMBER PAPARIAN: Is it possible we could  
9 face that as an issue in the future that they will want  
10 to count ash?

11 MS. MORGAN: No. You know, in working with the  
12 City, I think that the Mayor alluded to the fact that  
13 they originally tried to go in that direction and the  
14 City is now going in the direction that we've negotiated  
15 with focusing on their programs, receiving the  
16 transformation credit. So I don't see it as a direction  
17 we're going to go in the future.

18 I think everyone is pretty clear that the ash  
19 diversion rests with the host jurisdiction, and therefore  
20 I don't think it will be a future issue.

21 CHAIR MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: That wasn't so much a  
23 negotiation with the City as it was just stating existing  
24 policy.

25 MS. MORGAN: Exactly.

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1           BOARD MEMBER JONES: I'll move adoption of  
2 Resolution 2000-359.

3           BOARD MEMBER ROBERTI: Second.

4           CHAIR MOULTON-PATTERSON: Moved by Mr. Jones,  
5 seconded by Senator Roberti, approval of Resolution  
6 2000-359.

7           Secretary, please call the roll.

8           BOARD SECRETARY: Eaton.

9           Jones.

10          BOARD MEMBER JONES: Aye.

11          BOARD SECRETARY: Medina.

12          BOARD MEMBER MEDINA: Aye.

13          BOARD SECRETARY: Paparian.

14          BOARD MEMBER PAPARIAN: Abstaining.

15          BOARD SECRETARY: Roberti.

16          BOARD MEMBER ROBERTI: Aye.

17          BOARD SECRETARY: Moulton-Patterson.

18          CHAIR MOULTON-PATTERSON: Aye.

19          Did you want a vote recorded?

20          BOARD MEMBER EATON: I abstain as well.

21          CHAIR MOULTON-PATTERSON: Thank you. Motion  
22 passes. It's my intent to try and finish Number 18 and  
23 then we'll go to lunch.

24          Number 18.

25          MR. SCHMIDLE: Madam Chair and Board Members,

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1 Chris Schmidle again of the Office of Local Assistance,  
2 south section. This is a revised version of agenda Item  
3 18. I believe you have copies of the revision and there  
4 are copies in the back on the table -- in the back in the  
5 foyer for those who wish to follow along.

6 This is consideration of staff recommendation on  
7 the 1995, 1996, 1997, 1998 biennial review findings for  
8 the Source Reduction and Recycling Element and Household  
9 Hazardous Waste Element and consideration of adoption of  
10 a voluntary agreement relative to the biennial review  
11 findings for the City of Avalon in Los Angeles County.

12 Board staff analysis of the data, the City of  
13 Avalon's annual reports, finds that the City has  
14 implemented many of its SRRE selected programs but that  
15 significant programs have not been implemented. The City  
16 has implemented its Household Hazardous Waste Element  
17 selected programs.

18 Board staff analysis also finds waste diversion  
19 rates of minus 32 for 1995, minus 5 percent for 1996, 12  
20 percent for 1997, and 13 percent for 1998. The City is  
21 therefore below the 25 percent diversion requirement for  
22 1995 and continues to stay below the goal in subsequent  
23 years.

24 Since the City is implementing many of its  
25 programs, the resulting low diversion rates indicate to

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1 Board staff there may be systematic problems or  
2 inaccuracies with the City's diversion measurements. The  
3 City states that it has faced many institutional barriers  
4 to the development of new programs, for example, the  
5 inability to get permits from state and local government  
6 agencies for developing a planned Materials Recovery  
7 Facility and expanded compost facility.

8           Because of these unique problems and the City's  
9 good faith efforts to implement some of their programs,  
10 the Board at its March 22nd, 2000 meeting directed Board  
11 staff to work with the City to develop a voluntary  
12 agreement to resolve the City's problems. Board staff  
13 believes that the attached voluntary agreement contains  
14 conditions to help the City of Avalon correct its  
15 diversion rate measurement and implement its SRRE  
16 programs.

17           Therefore, Board staff recommends the Board  
18 adopt the attached agreement and accept the biennial  
19 review findings that by implementing some programs and  
20 completing this agreement, the City will have made a good  
21 effort to implement its SRRE and HHWE for the years 1995,  
22 '96, '97 and '98.

23           A representative of the City is available to  
24 answer any questions you may have of them, and if you  
25 have no questions for staff, this concludes my

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1 presentation.

2 CHAIR MOULTON-PATTERSON: Thank you,  
3 Mr. Schmidle. Questions?

4 BOARD MEMBER JONES: Madam Chair.

5 CHAIR MOULTON-PATTERSON: Excuse me. I'm so  
6 sorry. I do have a speaker slip, Mr. Bob -- Robert  
7 Clark, City of Avalon.

8 MR. CLARK: Thank you.

9 CHAIR MOULTON-PATTERSON: Sorry, Mr. Clark.

10 MR. CLARK: That's okay. I was hiding behind  
11 Fritz.

12 Robert Clark, City Manager of the City of  
13 Avalon. On behalf of the Mayor and the Council members  
14 and the citizens of Avalon, we thank you for recognizing  
15 our good faith efforts and we look forward to the MRF  
16 project. I think that a year from now when we come back  
17 we'll be able to be a model city rather than in the  
18 doghouse, so we are moving ahead and the bulldozers run  
19 the day after Labor Day.

20 CHAIR MOULTON-PATTERSON: Thank you, Mr. Clark.

21 Mr. Jones.

22 BOARD MEMBER JONES: I think I have a question  
23 of our staff. The resolution is going to acknowledge the  
24 good faith effort as well as the voluntary compliance?

25 MR. SCHMIDLE: Yes, sir. I believe it does.

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1           BOARD MEMBER JONES: Because it doesn't -- in  
2 the title it doesn't really say good faith effort. It  
3 just talks about the adoption of a voluntary agreement  
4 which I thought was secondary to the finding of good  
5 faith.

6           MR. SCHMIDLE: You're correct, sir, and I'd be  
7 happy to add something about good faith effort.

8           BOARD MEMBER JONES: It makes everybody crazy  
9 when I do that.

10          MR. SCHMIDLE: I'm sorry. It's the whereas,  
11 however, staff have determined that the jurisdiction has  
12 made a good faith effort to comply with the SRRE  
13 implementation requirements. It's the first page and  
14 second-to-the-last whereas.

15          BOARD MEMBER JONES: I got it.

16          MR. SCHMIDLE: Sorry.

17          CHAIR MOULTON-PATTERSON: Mr. Jones.

18          BOARD MEMBER JONES: Madam Chair, I'll move  
19 adoption of Resolution 2000-356, consideration of staff  
20 recommendation of the 1995, '96, '97 and '98 biennial  
21 review finding for the Source Reduction and Recycling  
22 Element and Household Hazardous Waste Element to be found  
23 in good faith, and consideration of adoption of voluntary  
24 agreement relative to the biennial review finding for the  
25 City of Avalon, L.A. County.

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1           CHAIR MOULTON-PATTERSON: We have a motion by  
2 Mr. Jones, seconded by Moulton-Patterson, to approve  
3 Resolution 2000-356.

4           Secretary, please call the roll.

5           BOARD SECRETARY: Eaton.

6           BOARD MEMBER EATON: Aye.

7           BOARD SECRETARY: Jones.

8           BOARD MEMBER JONES: Aye.

9           BOARD SECRETARY: Medina.

10          BOARD MEMBER MEDINA: Aye.

11          BOARD SECRETARY: Paparian.

12          BOARD MEMBER PAPARIAN: Aye.

13          BOARD SECRETARY: Roberti.

14          BOARD MEMBER ROBERTI: Aye.

15          BOARD SECRETARY: Moulton-Patterson.

16          CHAIR MOULTON-PATTERSON: Aye.

17          Thank you, Mr. Schmidle. We'll take a lunch  
18 break from 12:15 to -- we'll be back about 1:45. Does  
19 that give everybody enough time? Thank you.

20          There will be no closed session.

21          (Lunch recess taken)

22          CHAIR MOULTON-PATTERSON: I'd like to call the  
23 meeting back to order, please.

24          Mr. Jones, do you have any ex partes?

25          BOARD MEMBER JONES: Yes, Madam Chair. Jim Kuhl

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1 from the City of Long Beach, Richard Hanson from County  
2 of L.A. just briefly, and Justin Milan just briefly.

3 CHAIR MOULTON-PATTERSON: Did you get the names?  
4 Mr. Medina.

5 BOARD MEMBER MEDINA: None to report at this  
6 time.

7 CHAIR MOULTON-PATTERSON: Mr. Paparian.

8 BOARD MEMBER PAPARIAN: None.

9 CHAIR MOULTON-PATTERSON: Senator Roberti, any  
10 ex partes?

11 BOARD MEMBER ROBERTI: None.

12 CHAIR MOULTON-PATTERSON: I have none.

13 We're on Item 19 and I will turn this over to  
14 Ms. Morgan.

15 MS. MORGAN: Thank you. Cara Morgan, Office of  
16 Local Assistance.

17 Today I will be facilitating the discussion on  
18 multifamily diversion programs. At the April board  
19 meeting, Board Members directed staff to convene a panel  
20 presentation on multifamily diversion programs to  
21 understand the challenges that jurisdictions face and to  
22 learn about some of the programs that have been  
23 implemented to target multifamily programs.

24 Today I will be providing an overview of  
25 multifamily diversion programs which will include the

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1 contribution to the state's wastestream, the types of  
2 multifamily programs that are typically implemented, and  
3 some of the common barriers and successes that  
4 jurisdictions have experienced in this area of program  
5 implementation.

6           Also today we have convened a panel of experts  
7 in this area who will be sharing some of their  
8 experiences working with multifamily diversion programs.  
9 In attachment 4, I believe, as it's labeled in your  
10 packets, which is the pie chart, this pie chart is based  
11 upon the Board's 1999 statewide waste characterization  
12 study. The residential multifamily sector makes up  
13 approximately 12 percent of the state's wastestream. You  
14 can see that from the pie chart. This includes two units  
15 and up in regards to the multifamily sector.

16           The next attachment in your packet is titled  
17 composition of multifamily residential waste, and I put  
18 it in your packet because I think it's very interesting  
19 to see what the material types are in the multifamily  
20 wastestream. Food, a component of the organics class, is  
21 the single most prevalent material in multifamily waste,  
22 comprising 27 percent. It is followed by newspaper,  
23 remainder composite organic materials, and remainder  
24 composite paper.

25           Jurisdictions have implemented a variety of

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1 programs to target the multifamily sector based upon a  
2 national study performed by EPA. There are a variety of  
3 collection systems that jurisdictions have implemented.  
4 Programs that we have found to be the most successful are  
5 those who have put in place a variable fee system for  
6 building owners to reduce their fees as the volume of  
7 garbage is reduced, and this has shown to be very  
8 successful.

9           As recycling is increased, garbage goes down and  
10 building managers see a direct economic incentive. In  
11 addition, the studies showed that the more materials are  
12 collected, the higher the recycling rate. The highest  
13 performing programs collected an average of ten different  
14 material types, so obviously the more things that  
15 apartment owners can divert, they're more likely to  
16 participate.

17           Those programs that were the least effective  
18 offered maybe newspaper collection or cans and bottles,  
19 but as the materials are expanded, they found that  
20 residents participated more.

21           In regards to the types of containers that are  
22 used for multifamily programs, 90-gallon carts typically  
23 provide the best type of collection system for  
24 multifamily. 90-gallon carts provide enough room to  
25 store the recyclables, they take up minimal space which

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1 is typically an issue by multifamily units, and the  
2 semi-side loaders. We've also seen that providing at  
3 least three containers for source-separated materials,  
4 for example, a container for mixed recyclables such as  
5 glass, metal and plastic and then another container for  
6 cardboard, seems to work well in most multifamily units.

7           The number of containers, the study found that  
8 providing containers for a group of about 15 to 19  
9 households, so then that would be three containers for 15  
10 to 19 households, seemed to be about the right mix.

11           Some of the challenges to success, low  
12 participation is the most common obstacle. Getting  
13 multifamily residents to participate in the program has  
14 been a big challenge.

15           The other challenge jurisdictions have found is  
16 contamination. They tend to find that the recycling  
17 containers are heavily contaminated and obviously this  
18 creates a higher cost for the recyclers to separate those  
19 materials.

20           What has helped jurisdictions, what have they  
21 employed that have been successful, mandatory programs.  
22 The most successful programs rely on mandatory  
23 participation, passing a mandatory ordinance, for  
24 example. Regulations, some programs use fines, liens or  
25 other sanctions against the complexes.

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1           Contracts, contracts with haulers can ensure  
2   that the accepted recyclables are collected constantly.  
3   It's very difficult we found in some jurisdictions where  
4   the hauler has said this month collecting newspaper, next  
5   month it's cans and bottles. It needs to be consistent  
6   so the residents know what the program is and can  
7   participate.

8           Rates, we found time and time again that  
9   variable fee systems create an economic incentive for  
10   business owners to participate.

11          And finally education is key to a successful  
12   multifamily program. The highest performing communities  
13   conduct targeted outreach to building managers and  
14   residents using all kinds of different approaches,  
15   mailings and even on-site visits where people go in and  
16   talk to the residents at the multifamily units.

17          The last attachment that you have in your packet  
18   we put together and it shows the multifamily housing  
19   units estimated percent of the wastestream, and why we  
20   thought you might find this interesting is we ordered  
21   this -- it's sorted by the percent of the wastestream  
22   contributed by the multifamily units for these  
23   jurisdictions.

24          What's interesting is for many communities, for  
25   example, West Hollywood, 45 percent of their solid

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1 wastestream is from the multifamily sector. So that can  
2 have a significant impact upon that jurisdiction if they  
3 need to target the multifamily sector. We listed this in  
4 descending order, South Pasadena, for example, again  
5 another jurisdiction that has a high multifamily sector  
6 -- percentage of the wastestream is multifamily. You  
7 could see as that goes down the list. This information  
8 was based upon 1999 disposal data, so it is fairly  
9 current and accurate.

10           Many communities have implemented multifamily  
11 programs with varying degrees of success. We here in the  
12 Office of Local Assistance feel this still tends to be  
13 jurisdictions' greatest challenge.

14           And today I brought together three panel  
15 speakers to share with you their experiences in  
16 implementing multifamily programs. Our first panel  
17 member will be Kip Sturdevan with the City of San Diego,  
18 and he will share some of his challenges as well as some  
19 of his successes, and also he'll be sharing with you some  
20 of his thoughts on what the Waste Management Board can to  
21 do to help jurisdictions in this area.

22           Our next panelist will be Joan Sott who  
23 previously worked with Culver City and has extensive  
24 experience working with multifamily programs. And our  
25 third panelist will be Michael McCartney with QLM

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1 Consultants, who will be sharing his experiences in  
2 helping the City of San Diego implement their programs.

3 In conclusion, at the April board meeting, Board  
4 Members asked us to specifically bring Sacramento forward  
5 as an example since they recently implemented their  
6 ordinance, so we'll be hearing from Michael on that.

7 I'll turn it over to Kip.

8 CHAIR MOULTON-PATTERSON: Thank you.

9 MR. STURDEVAN: Good afternoon. It's a pleasure  
10 to be here. As Cara said, what I would like to do is  
11 share with you some of the challenges that we have faced,  
12 some of the barriers that we have identified to  
13 multifamily recycling, and what we've tried to do to  
14 address these issues.

15 I would like to be able to say that we've got it  
16 all solved, but I cannot. It is the hardest, the most  
17 difficult to control, and probably in terms of time and  
18 money extended on a per unit basis the highest of any  
19 recycling programs.

20 What I would like to start off doing, you should  
21 all have a copy of what I'll be speaking from. To give  
22 you a short background on the City of San Diego and how  
23 our residences are organized, how our trash and recycling  
24 is handled, and then talk about some of the efforts that  
25 we have made to address these issues, and more

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1 importantly talk about the challenges that we've  
2 identified and some of the things that might be able to  
3 be done at the state level.

4           First off, the background. The City of San  
5 Diego has approximately 259,000 single-family residences  
6 and 206,000 multifamily residences. In San Diego, we  
7 provide -- that is, the City provides trash service to  
8 all single-family residences and those multifamily  
9 residences which are willing to bring their trash  
10 containers to the public street. So if a multifamily  
11 residence, we have an automated system. If they're  
12 willing to take all their automated containers to the  
13 public street, we by the people's ordinance are required  
14 to pick that up. The vast majority of them, however,  
15 prefer to have front-end loaders, those type of  
16 containers, and they're serviced for trash by the private  
17 sector and the private sector provides trash collection  
18 to the multi-families and to the commercial sector.

19           For our recycling service, presently we are  
20 expanding our curbside recycling to all the single-family  
21 residents in the city. We're up to 153,000 homes as of  
22 last month, and by August -- or October of next year  
23 we'll be at all 270,000-something homes, and we are  
24 offering that service to those multifamily homes that  
25 have our trash service. If you have our trash service,

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1 we are offering the curbside recycling to you.

2           When we are citywide, that will be approximately  
3 68,000 of the multifamily residents that we will offer  
4 the service to. What we found out -- and I'll go into  
5 more detail later on -- as we've expanded this program a  
6 lot of the multifamily units are declining the service  
7 for a number of the reasons you will see later on.

8           We also have what we call our Park and  
9 Recreation or zone program. We have 49 of our Park and  
10 Recreation sites where we have drop-off sites, and we  
11 have done is partnered with the Park and Recreation  
12 Department of the city and we have these sites where  
13 people can bring their recyclables. And the Park and  
14 Recreation personnel maintain the site, we pick it up and  
15 service it twice a week. The funds, the money that comes  
16 from this then is given back to the Park and Recreation  
17 to each of those different sites and they can use that  
18 for building playgrounds, for hiring additional aids, for  
19 instruction, whatever they would like to do in that  
20 community. Over the last five years we've given a little  
21 over \$400,000 back to our Park and Rec program.

22           What Park and Rec does is they try to encourage  
23 the residents in the area to come there, and we have  
24 encouraged them to concentrate on the commercial sector  
25 and multifamily sector. They have done that. They will

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1 go out and they will try to -- the real aggressive ones,  
2 they will go out and they will make contacts with local  
3 managers and try to get the word out for their Park and  
4 Rec center to get the local people to bring their  
5 material in there. That's proved to be quite effective  
6 for the Park and Recreation program.

7           In the private sector our franchise haulers, the  
8 franchise in the city, they are required to offer  
9 recycling services. However, there is no mandate in the  
10 city for any complex to have a program, so a hauler has  
11 to be willing to offer it but nobody has to take them up  
12 on that offer. And that effect is that we have a minimal  
13 number of multifamily programs in place being offered by  
14 the private sector, although the reasons for that I'll  
15 offer in a few moments.

16           Efforts that we've done to expand the city  
17 services, in 1990 through 2000 we had a pilot program to  
18 serve low-income multifamily residents. We started that  
19 back in 1990 with about 2,500 units. In the last year,  
20 the last 200 or 300 that remained in the program were  
21 taken up into our curbside program because they were  
22 getting city trash service, but over the years the  
23 majority of them, and one of them is Hillsborough, our  
24 largest at 574 units, had dropped out about five years  
25 ago, and the reason that was given was that the property

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1 managers thought it was too much of a problem for them to  
2 have to maintain this program, it wasn't something that  
3 was required of them, sort of an added benefit. But  
4 there were the problems of trash and having to clean it  
5 up, so over time through attrition most of those units  
6 have dropped out on their own.

7           In 1997 we began working with a Citizens  
8 Advisory Committee that represented all the different  
9 sectors in the community. We were looking at recycling  
10 in the commercial sector and the multifamily sector, and  
11 also had in there the building officer's -- Building  
12 Owners and Management Association and the Apartment  
13 Association, and the Apartment Association came up with a  
14 lot of ideas and some of the things I'll be talking later  
15 when we talk about -- the information we got from the  
16 private sector came out of working with the Citizens  
17 Advisory Committee.

18           In our efforts to expand private services  
19 throughout the city, in 1990 we had adopted a space  
20 allocation ordinance for new construction. So any new  
21 construction in the city of San Diego has to allow  
22 adequate space for not only trash but recycling  
23 containers.

24           In 1991 and '92 we identified property  
25 management companies and complexes and purchased

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1 recycling can containers for private haulers for 2,300  
2 units. At that time I was working in the private sector.  
3 I ran all the recycling and waste reduction programs for  
4 Mashburn Recycling, and the City approached us and we  
5 made use of this offer.

6           The interesting thing about this was -- is that  
7 when we would go out to multifamily units to see if they  
8 wanted recycling, the only ones that tended to want it  
9 were upscale communities where the residents would get  
10 together and they would use this as a negotiating tool.  
11 They would say we want recycling. In order for you to  
12 get our trash contract, you have to offer us recycling.

13           We were able to take these containers that the  
14 City gave us and use this to get the trash contracts.  
15 The point being that for a program normally to be  
16 successful, it's usually an upscale community that's  
17 willing to pay the additional cost that's incurred with  
18 some of these programs, and if they were smart what they  
19 did is use that as a negotiating tool to make a private  
20 company to offer them a service because normally unless  
21 they're required to, private companies aren't going to do  
22 that.

23           From 1993 to the present we have plan review for  
24 new construction where we review the plans that come  
25 through to make sure there is adequate space available.

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1 As I said, from 1997 to the present time the franchisees  
2 are required to offer recycling services and in 1999 we  
3 began meeting with the private sector to explore options  
4 for expansion of the multifamily recycling.

5           Now to the crux of it. What I'm going to tell  
6 you here are the recycling challenges that I don't think  
7 is anything you haven't read before or heard before.  
8 It's in the literature, but of the things that we've  
9 found, number one, lack of accountability. The big  
10 problem when you're a service provider here and there's  
11 contaminations or problems or anything like that and  
12 you're serving, whether it's ten units or 500 units, it  
13 only takes one or two or three people in there to dirty  
14 the water and it's difficult to find who is responsible.

15           You've got to come back and deal with the  
16 property manager or an owner, and you can't say it's Unit  
17 23B or whatever. All you can say is there's a problem  
18 out here. The materials are contaminated, there's  
19 hazardous waste in here, whatever the problem may be.

20           Our curbside program, as I mentioned, we've  
21 recently gone to a fully commingled program and our  
22 contamination rate is one of the lowest, if not the  
23 lowest, in the state. I've been working on these  
24 workshops in the City of L.A. We're averaging 5.8  
25 percent over a year contamination and that's due to the

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1 fact that we have a really stringent quality control  
2 program that starts with the drivers, works back to our  
3 code enforcement personnel, our recycling specialist and  
4 our processor. By doing this, we can find out who is  
5 causing the contamination problems and hold them  
6 accountable. When you go into the multifamily, you lose  
7 that accountability.

8           Second, high turnover of residents. You have a  
9 much larger transient population in the multifamily  
10 units, and you can educate people and three or four or  
11 five months later 50 percent of them are in and they  
12 don't know anything about it. You've got to teach them  
13 again.

14           Demographic barriers, this would include  
15 educational level. This would include language and  
16 cultural barriers. In parts of our city Spanish is the  
17 predominant language spoken at some of these complexes,  
18 in others Tegalli (phonetic), in others Vietnamese, in  
19 others Laosia, and if you try to go in there with an  
20 English-only education program, you're not going to have  
21 as much success as you could if you could target the  
22 language to the people that are in the complexes.

23           Again, if you marry all three of those, the lack  
24 of accountability, the high turnover of the residents and  
25 the demographic barriers, that leads to the next item,

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1 high contamination levels, which increases your  
2 processing costs and decreases the revenues that are  
3 available to the program.

4           Another problem is lack of suitable space for  
5 the facilities. We've adopted that message requirement  
6 since 1990 for additional space, you have hundreds, if  
7 not thousands, of older facilities in there, many of  
8 those have turned down the offer to work with our new  
9 policy. They just don't have space for the additional  
10 containers. The property managers say if I do that, I've  
11 got to give up the parking spots. The requirements are  
12 that I've got to have so many parking spots or I have to  
13 give up something else. I can't put it under the  
14 stairwell because the fire regulation says I can't store  
15 anything under the stairwell.

16           So you run into this and they'll say I'm not  
17 required to do it. Even if I was, it would still be  
18 difficult, and they opt out of the program.

19           Pilferage, one of the things any time you get  
20 when you're in a lower socioeconomic area, there's a lot  
21 of these and you get the high value items, the CRV.  
22 They're gone. So some of the income that helps to  
23 support the program is usually not there in a multifamily  
24 program because that material is taken out, and lots of  
25 time when it's pilfered they don't put everything back

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1 neatly.

2           This is where the property managers get upset  
3 because there's trash around the area. They then have to  
4 come out or hire somebody to do it and they just look at  
5 it as another burden that they would prefer not to have  
6 to deal with.

7           Resistance from the landlords, on this case at  
8 the lower level, there's minor things about taking care  
9 of it but also they're in a competitive situation. As I  
10 mentioned here, we have the Apartment Association  
11 involved in this and they told us as long as we're out  
12 there, we're in a competitive environment, anything that  
13 we can do to make ourselves more competitive, we will do  
14 that. I'm not going to institute a program that is going  
15 to raise my cost if I know that my competitor down the  
16 street or somewhere else is not going to implement that  
17 also, but they said to make a program like this  
18 successful you have to have a level playing field so that  
19 everybody is involved at the same level.

20           Those are the main challenges that we have  
21 noted, both in our programs and a lot of that comes out  
22 of the private sector, and the meetings that we've had  
23 with not only the trash haulers but also the recycling  
24 companies in our city.

25           Cara asked if we could come up with some ideas

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1 that maybe could be investigated by your group, and we're  
2 thinking enhanced minimum content laws that drive up the  
3 value of fibers and other recyclables so people wouldn't  
4 be as likely to dispose of them, develop a model  
5 mandatory ordinance and encourage local agencies to adopt  
6 them. I understand a gentleman is going to speak to some  
7 of these and maybe by looking at some of those throughout  
8 the state and elsewhere you can find ones that -- a  
9 generic one that would probably be best for the state of  
10 California.

11           Develop a fee mechanism to offset recycling  
12 costs, whether it be a trash disposal fee, trash  
13 generation fee, but having those monies targeted for  
14 multifamily recycling only. And one of the things it  
15 could be used to pay for is targeted education at a local  
16 level.

17           I agree with Cara. Education is very important.  
18 However, at the multifamily level a generic program  
19 throughout the state, and the radio and TV and I see a  
20 lot of the DOC ads and things, that's not going to get  
21 down to those people in those complexes. I think each  
22 municipality is different. You have different ethnic  
23 groups. You have different -- the local situation is  
24 different. Municipalities could take that and target the  
25 education for the local areas, the neighborhoods that are

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1 involved, I think it would be more successful.

2 That completes my presentation.

3 CHAIR MOULTON-PATTERSON: Thank you very much.

4 That was very interesting.

5 MS. SOTT: Good afternoon. I'm Joan Sott, and I  
6 thank you very much for having me here today because it  
7 means that I'm truly not put out to pasture quite yet.

8 I cut my recycling teeth on multifamily  
9 recycling when I was in Los Angeles, and I took those  
10 lessons with me to Culver City where I was the Waste  
11 Reduction Coordinator, and then I eventually moved to  
12 co-manager of the division.

13 Culver City has its own sanitation division  
14 which comes in very handy, as you'll see later on. The  
15 multifamily units in Culver City account for about 50  
16 percent of residential housing for its 40,000 residents.  
17 This is about 17,000 units, most of them very small.  
18 Those were easy for us.

19 You've heard today that there are some universal  
20 issues connected with multifamily recycling. We've got  
21 to have support at the top. Tenant-initiated programs  
22 without the support of the building management get  
23 sabotaged every time. If the building has a very  
24 transient mix, the education programs must be constant.  
25 If the program entails costs, they have to be fair and

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1 they have to be reasonable and they have to be really  
2 agreed upon by the tenants. And the programs must be  
3 designed with all the players' input because there are so  
4 many issues, not only space, which is hard to come by,  
5 but what will the recycler accept, what's contamination,  
6 how do you avoid it, et cetera, and the recycling bins of  
7 course need to not be buried behind a garage someplace  
8 but very accessible and very much there.

9           The ideal conditions for a successful program  
10 are lot of units of stable, older population in  
11 owner-occupied units, if it's a condominium with middle  
12 to high income and a will to conserve resources. Older  
13 people somehow are more concerned about the future of  
14 their grandchildren and they kind of get it.

15           We have this complex in Culver City called  
16 Lakeside Village, which is a large, very large  
17 condominium project that sort of demonstrates all of  
18 this. It has 430 units in 14 buildings and more than  
19 half of those are owner-occupied. In each building  
20 there's a trash room in the garage that houses  
21 three-cubic-yard trash bins, each of which was dumped  
22 three times a week. At \$87.25 a pop, the total was  
23 \$3,664 a week or \$15,800 and some-odd dollars a month  
24 just to get the trash hauled away.

25           In the mid-90s Lakeside got a new board and they

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1 were very gung-ho and wanted to do something for the  
2 tenants or the unit owners and they thought that they  
3 could save money on their trash bills and offered cable  
4 TV to the residents at no extra cost. The goal was to  
5 eliminate one of the three weekly pick-ups which would  
6 realize a savings of \$5,200, certainly enough to give  
7 everybody cable TV.

8           So they called us, Culver City Sanitation,  
9 because we were the haulers and we have recycling rates.  
10 And I think this is important. I don't know if a hauler  
11 might want to do this, but for us it worked really well.  
12 We had recycling incentive rates. We charged \$26.50 per  
13 month for a three-yard mixed recycle bin compared to  
14 \$87.25 for a three-yard mixed refuse bin. There was some  
15 incentive to implement a recycling program.

16           Prior to the very aggressive attack, the complex  
17 had two commingled bins, one in each parking lot and a  
18 40-yard roll-off for mixed paper collection and we used  
19 them sort of as a pilot, and it was kind of on and off.  
20 There was no regular collection. The bin never filled up  
21 so that we could schedule it. It was dumped when it  
22 needed to be. Cardboard was always collected separately  
23 without charge.

24           There was a yard waste bin used by the grounds  
25 maintenance crews and so they felt they had a recycling

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1 program, but they were still spending all this money to  
2 design a new program.

3           So everybody sat down to design a new program.

4 The board members were there, the management staff was  
5 there, representatives from some of the buildings, the  
6 hauler and the city's recycling office, me. I pointed  
7 out they had to do a better job with mixed paper because  
8 that's where the tonnage was and it would lead to really  
9 good savings. Statistics showed that recycled paper  
10 takes up a third of the Dumpster space. A third is  
11 exactly what they wanted to cut their trash pick-ups by.  
12 There was some reason to do that.

13           So then they learned and felt that the targeted  
14 savings weren't out of left field and they were really  
15 doable. So they had flyers prepared and we helped them.  
16 Volunteers were recruited in most of the buildings to  
17 reinforce and monitor, and early on the residents were  
18 instructed to use the trash chutes for trash only but  
19 carry their recycling to the new green bins in each trash  
20 room.

21           After a few false starts, as you can imagine,  
22 management purchased these attractive 90-gallon wheeled  
23 blue carts and located two on each floor near the  
24 elevators in each building. Each bin was clearly marked  
25 as to what went into them, and one was for mixed

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1 containers, the other for mixed paper and cardboard.  
2 Each unit was given another recycling advisory to explain  
3 the program, the differences between the bins, how to  
4 participate, and especially what the rewards were.

5           There was -- it worked. At first we arbitrarily  
6 eliminated all the Wednesday pick-ups since that was the  
7 ultimate goal. It was also a way to determine which if  
8 any building actually needed the midweek pick-up. The  
9 first week it became clear that not all buildings were  
10 created equal and could manage with just two pick-ups.  
11 Some trash rooms were filled to the rafters and some did  
12 okay.

13           So maybe it wasn't possible to dump every bin in  
14 every building just twice a week, but how could we decide  
15 which ones? So now every Tuesday afternoon the  
16 maintenance crew surveys every building, prepares a list  
17 of those buildings that need the Wednesday service. The  
18 list is given to the security guard at the gate who gives  
19 it Tuesday morning when the refuse truck driver enters  
20 the property. He knows exactly where to go.

21           Not surprisingly, it's not always the same  
22 buildings, move-ins, move-outs, holidays, birthdays, back  
23 to school, vacations, who knows what. All have their  
24 affect on trash.

25           The first week of the program the complex saved

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1 a little more than \$500, not quite enough for cable TV  
2 but enough to hire a part-time recycling person and that  
3 person's job was to get the blue carts down to the green  
4 recycle bins in the trash room, and he also did a little  
5 separation when the paper got into the wrong bin, and  
6 they had pretty clean products.

7           As the program matured, the complex regularly  
8 eliminated at least six of the Wednesday pick-ups and  
9 always aimed for more. The \$5,200 saved each month paid  
10 for the extra personnel, the extra equipment, meaning the  
11 bins, and while it didn't pay for a full set of cable TV  
12 channels free, they did add four new channels. And  
13 actually, the \$5,200 was not all profit because there was  
14 a charge for the recycling, but they came out with about  
15 \$3,200 a month. That isn't bad. And four new free  
16 channels.

17           The pride that the residents took and continue  
18 to take in their program has no price tag. There are  
19 some unique reasons for the program's success. One is  
20 that everybody was motivated, and that's really  
21 important. The other one is that this complex has a  
22 closed circuit TV, and you have before you, I believe,  
23 the presentation that they do on recycling and they do it  
24 constantly on closed circuit TV so that everybody can  
25 tell what everybody's doing.

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1           The ten-week graph there shows that each  
2 building could eliminate a Wednesday pick-up at some  
3 time. Two scored eight times; four, seven; three did it  
4 four and five times each; and there were two buildings  
5 that only did it twice in ten weeks. Guess what? Those  
6 are the transient buildings.

7           In some buildings there were language and  
8 cultural barriers, but overall the program is very  
9 successful. It's difficult to replicate this program but  
10 it does show that in a city of 40,000 people, multifamily  
11 recycling is important and works. I don't find it as  
12 difficult because I didn't have to work with the haulers.  
13 I just told the hauler what to do and it was a whole lot  
14 easier.

15           The net effect of this particular recycling  
16 program, eliminating six of the Wednesday pick-ups was  
17 that they got about a 20 percent diversion rate. If they  
18 eliminated all 14 Wednesday pick-ups, we figured that  
19 they would have a 40 percent diversion rate. That's not  
20 bad.

21           Multifamily recycling is important. I happen to  
22 like it and it certainly is a key plank in every city's  
23 AB 939 plan.

24           Thank you.

25           CHAIR MOULTON-PATTERSON: Thank you for sharing

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1 your experience.

2 MR. MC CARTNEY: My name is Michael McCartney  
3 and I'm glad to be here and describe what our experiences  
4 have been over the last five years working with  
5 multi-families in communities as diverse as Marin County,  
6 San Jose, Santa Ana and now the city and county of  
7 Sacramento.

8 One of the challenges that I have today was to  
9 look back over that experience and try to come up with  
10 some best practices that I could share with you folks and  
11 members from other jurisdictions here present this  
12 morning. Some of the background that I want to bring you  
13 up to speed on with the city and county of Sacramento is  
14 that I think it does -- the ordinance that was passed  
15 unanimously in February this year, what's called  
16 (inaudible), Ordinance Number 5, and what happened --  
17 that was the end result of a lot of work and time and  
18 effort that was by the community and by the stakeholders.

19 The City of Sacramento originally wanted to  
20 implement multifamily recycling in 1990. They had tried  
21 every year and basically had not met with any success.  
22 They passed an ordinance in 1996 that was implemented in  
23 1997 that required those who held permits to divert 30  
24 percent of their waste as a condition of their -- of  
25 being a permitted hauler within the city. Importantly

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1 you had to offer multifamily recycling, but you weren't  
2 required to supply multifamily recycling. The net result  
3 was that very little was done.

4           They went after the large complexes, some low  
5 income, some high income, where the volume was, and there  
6 were a lot of -- where they felt they might lose garbage  
7 collection, they brought in multifamily recycling  
8 basically as a competitive response.

9           The City also in '97 started a pilot program to  
10 do something, quite frankly, and to see if it would work  
11 and to try to build on that, and that program in surveys  
12 that we have performed was met with a very high level of  
13 satisfaction.

14           The County of Sacramento also wanted to do  
15 something when it came to multifamily recycling. They  
16 went out and surveyed their apartment complexes, mobile  
17 homes and condominiums that were greater than five and  
18 found that there was a tremendous up-swell of need  
19 expressed by those who are in those communities to do  
20 recycling but there was no place to do it.

21           So a lot of resistance I think was felt  
22 primarily in the marketplace because had you 16 permitted  
23 haulers. 12 of the 16 are what I would consider middle  
24 to small haulers, and the four haulers that really had  
25 the dominant market share were really -- the fear was if

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1 you went into multifamily recycling they would somehow  
2 dominate the market, they would throw up carts  
3 everywhere, use their marketing muscle and basically  
4 dominate even more of the market that they were already  
5 in.

6           One of the things that happened as a result of  
7 this ordinance was -- when I looked at it, part of the  
8 reason I think it was successful was that in most cases  
9 when you have ordinances and implementation of  
10 multifamily and in cities and counties that we've been  
11 involved in, it usually doesn't get the senior level in  
12 the solid waste department. In this case we were very  
13 lucky. We had a 17-year veteran that was very -- a  
14 veteran of many community forums and knew how to conduct  
15 a meeting and knew when to be firm and when to not be  
16 firm, quite frankly.

17           So the skill levels that it requires when it  
18 comes to multifamily recycling I think are very much  
19 different than what you would find in most recycling  
20 programs.

21           It's very difficult, as you might imagine, in a  
22 room to sit down and conduct a meeting with Renters for  
23 Recyclers, the Rental Housing Association of Sacramento,  
24 Californians Against Waste, the independent recyclers  
25 sitting next to the Material Recovery Facility owners,

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1 as well as the franchised haulers, all in one room, all  
2 talking about how they're going to implement multifamily  
3 recycling. To conduct that meeting and to move forward,  
4 I think, takes considerable skill.

5           The other part was that the approach the City  
6 took was we're going to do this and we're going to set up  
7 a baseline. It's up to you, community members, to figure  
8 out how it's all going to work. So it was never a  
9 thought in the City's mind that they weren't going to  
10 pass an ordinance. The thought was we're going to create  
11 a baseline. You community members, how do you want this  
12 to happen?

13           As a result, the people throughout the process  
14 of about a year and a half came up with ideas, and the  
15 next meeting those ideas were incorporated into the  
16 ordinance, I think a very important point.

17           The law as it was passed mandates a minimum  
18 standard of 30 percent diversion. It's based on  
19 performance. It says you have to have this end result,  
20 it has to be measurable. The way you get there is up to  
21 you, whether you want to use carts, whether you want to  
22 use a commingled program, whether you want to start with  
23 paper on a phased approach and add additional materials  
24 in. It's up to you. We're going to watch and measure  
25 what's going on.

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1           The other unique thing about the ordinance is  
2   that it is an ordinance that places an equal burden.  
3   Maybe it was because we had everyone sitting in the room  
4   that everyone wanted to make sure that they carried their  
5   part of the solution forward, but in this case the owners  
6   and residents and service providers were all given very  
7   specific duties to perform, very specific tasks.

8           The City and County was also given the task of  
9   managing the marketing communication. We went about this  
10   by going out and looking at all the communities in the  
11   United States that we found that had ordinances passed.  
12   We certainly looked at the Mayor's report, we looked at  
13   the EPA report that was mentioned earlier. We looked at  
14   things in Canada and primarily we found that the  
15   experience in the city of Portland and in particular the  
16   City of Austin were -- seemed to make the most sense to  
17   us and seemed to have the highest level of participation  
18   and diversion.

19           As a result of that, the message came loud and  
20   clear to us over and over again, and that is that there  
21   needs to be some place that people can go to any time  
22   they want to go to it and find out how to do this, find  
23   out step-by-step starting at the beginning at the most  
24   elementary level and be walked completely through how to  
25   set up a recycling program. As simple as that may sound

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1 in this audience, it's not as simply perceived by others  
2 out there.

3           The other part was that we wanted to set up a  
4 program that also gave people who are going to  
5 participate in the program the materials necessary to get  
6 the job done. We ended up setting up the first  
7 interactive web available, I think user-friendly,  
8 recycling materials program. If you go on this web site,  
9 you'll see this page. You'll click on that, to the  
10 multifamily section. You'll have a description of the  
11 ordinance and what -- in general terms what it  
12 represents, and finally you'll click again.

13           And I think this is probably the most important  
14 page. You'll see here the -- all the ordinances are done  
15 in PDF files so they're immediately downloaded. The  
16 complete ordinance is there, the recycling guide itself,  
17 which is 30 pages long, a list of contacts, all the forms  
18 would you need are presented, Q and A, and definitely an  
19 example of how long it's going to take you put this  
20 program together.

21           What makes this program unique is that in  
22 addition to that you have an interactive part, which is  
23 the second part of the program which is down here, which  
24 is templates, kick-off memos, apartment manager  
25 guidelines, tenant reminders, symbols, et cetera, et

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1 cetera. There's another 30 pages of downloadable forms  
2 that you can take. Download them into your computer.  
3 They're Word documents. They can be totally manipulated  
4 in any way you wish. The arrows can be made smaller, can  
5 be made larger. It's really up to you as to how you want  
6 to design the program.

7           So you read the materials on the front side,  
8 download all those in PDF files that you can't change,  
9 find out what you need to do, read the book, and here's  
10 all the materials as the ones that you want you download  
11 and work those materials into the recycling program. I  
12 don't know of any other program that has these two  
13 components available.

14           I think in our experience beginning in Marin  
15 County where we achieved a minimum of 26 percent  
16 diversion and we did receive a WRAP award from the State  
17 in 1996, that one of the important things to remember is  
18 that -- is to establish these feedback groups. Often  
19 times you hear failure of programs, programs starting out  
20 fast and tapering off. Well, where's the feedback? If  
21 there aren't feedbacks along the diversion chain, you're  
22 just not going to know what's wrong and you don't have a  
23 chance to fix it until it's done.

24           The other part is that from our perspective you  
25 need to really take an entrepreneurial approach, be

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1 opportunistic. If you see something that works, if you  
2 see anything that we've created that works, please use  
3 it.

4           Always listen to the customers, and that would  
5 be the tenants or the owners. And in particular I think  
6 what's probably not said enough is that the haulers have  
7 a tremendous amount of information and experience, and I  
8 think if you sit down with them as we did and really  
9 listen to them about what they've been faced with on a  
10 day-in and day-out basis, I think a tremendous amount of  
11 information can be gleaned from them.

12           From our standpoint, the next development we're  
13 going to do is again continue to cultivate community  
14 feedback. We want to improve our materials here. We are  
15 now looking at adding video and sounds to the web site so  
16 that you can actually watch something occur. We're also  
17 looking at other --we continue to benchmark other  
18 jurisdictions to find out what they're doing, San Diego  
19 and others, and we want to make sure that this program  
20 has measurable results that we can share with and feel  
21 confident about to other jurisdictions.

22           We are now in the middle of planning our next  
23 communication wave and the ordinance itself began its  
24 implementation of July 1st of this year. It will be a  
25 phased approach. It will go out over an 18-month period,

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1 and we will then bring over that 18-month period a -- to  
2 a little over 400,000 units multifamily recycling.

3 If you'd like, it was on purpose that I did not  
4 give you copies of this. If you want additional  
5 information, send me an E-mail or tell me you need it and  
6 I'll send you a copy of the presentation.

7 Thank you.

8 CHAIR MOULTON-PATTERSON: Thank you very much  
9 for sharing Mr. McCartney. Questions.

10 Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Yeah. There's an issue  
12 that I've become concerned about based on anecdotal stuff  
13 and I don't know if there's any experience with this at  
14 all, and that is that in different localities you can  
15 recycle different items. The material we got from the  
16 Culver City example, plastic bottles 1, 2, 3, 4 and 5  
17 plastic containers 1, 2, 3, 4 and 5 are listed as being  
18 recyclable as are paper milk cartons and other items. I  
19 think in Sacramento you can do 1s and 2s and not milk  
20 cartons.

21 MR. MC CARTNEY: Curbside mix basically in  
22 Sacramento.

23 BOARD MEMBER PAPARIAN: Right. So has there  
24 been experience where tenants get confused going from one  
25 jurisdiction to another jurisdiction about what can be

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1 recycled and what can't be recycled and perhaps throw up  
2 their hands and say they don't know what to do and won't  
3 do it?

4 MR. MC CARTNEY: I'd like to think that it's not  
5 that complicated. Our experience has been that if -- one  
  
6 of the things that we have insisted upon is that when a  
7 manager or owner has a recycling program, that they  
8 actually incorporate that program into the rules and  
9 policies of that particular apartment complex, in which  
10 case you get your keys, here's your parking place, here's  
11 where the trash is, and this is what we recycle  
12 essentially when you sign off on that so that there isn't  
13 the confusion that there might be going from one  
14 jurisdiction to the other because I think the policies  
15 like that, once in place, have a tendency to stay there  
16 and solve the confusion.

17 CHAIR MOULTON-PATTERSON: Any others? Thank you  
18 so much.

19 I'm not sure exactly what our next step is, but  
20 I know all of us are very interested in this area. It's  
21 a really important part to us and your information was  
22 really excellent and thank you so much.

23 BOARD MEMBER ROBERTI: Madam Chair.

24 CHAIR MOULTON-PATTERSON: Senator Roberti.

25 BOARD MEMBER ROBERTI: I'm wondering if there's

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1 some way we can develop for jurisdictions that are having  
2 trouble meeting their diversion rate where they may not  
3 have active multifamily programs -- a compilation of  
4 various programs that have been successful sometimes is  
5 just a case of education.

6           We may be very vigorous in trying to promote  
7 this, but it has been my feeling that there are some  
8 jurisdictions that only look to a portion of their  
9 wastestream, homeowners, sometimes commercial, but I  
10 think the one at the bottom of the browser is multifamily  
11 units. For all the reasons that the speakers have  
12 indicated, it's just very difficult. Contamination is a  
13 significant problem because just the ability to control  
14 what goes in the -- whatever we call it, the can --

15           MS. MORGAN: Container, bin.

16           BOARD MEMBER ROBERTI: -- is very difficult. So  
17 I would hope that our staff would put something like that  
18 together, if we haven't done it already, and sort of  
19 affirmatively program success stories so that like-minded  
20 jurisdictions can see what other like-minded  
21 jurisdictions do.

22           The community that has -- I know my former State  
23 Senator for West Hollywood, if they don't go multi-unit,  
24 they're not going to have much of a program because  
25 that's who the people are. So you just have to work at

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1 maybe something like that successful or you're not going  
2 to have a program. So -- successful programs so that  
3 when people come and ask for extensions and it appears  
4 that the jurisdiction hasn't looked to this portion of  
5 the wastestream rather than our being put in a position  
6 of being vindictive, aggressive, pointing the finger of  
7 scorn at them, we'll say, "Have you tried this?"

8 I think sometimes it's just a question of not  
9 having tried something or not knowing that it's been  
10 successful. So I would hope we would put something like  
11 that together if we haven't already.

12 MS. MORGAN: Since the April board meeting what  
13 we have been doing is gathering the model ordinances,  
14 model programs, even outside the state. Florida has an  
15 outstanding public education program.

16 So where we are now is we've collected those  
17 materials and the next plan is we're going to be putting  
18 all this information onto local government central so  
19 that any jurisdiction can access it on the web, in  
20 addition to providing hands-on technical assistance for  
21 jurisdictions that need help with implementing their  
22 programs.

23 And then you also mentioned in evaluating  
24 jurisdictions that come before the Board for extensions  
25 the new 1999 information will be really helpful to us.

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1 The handout that I provided to you, West Hollywood, for  
2 example, in working with those jurisdictions that's one  
3 of the things we would look at is what are the major  
4 components of their wastestream, and rather targeting  
5 something with less of an impact, we would target -- you  
6 know, go after that multifamily sector.

7 So that's our plans for the future.

8 BOARD MEMBER ROBERTI: Thank you. I want to  
9 thank, from my point of view, the three panelists for  
10 being very, very helpful. To us it's helpful because it  
11 gives us a chance to understand what's been successful.  
12 I tend to think it's not a question a lack of intent on  
13 anybody's part to do something, it's just the ability to  
14 administer and how to administer at all the levels from  
15 the tenant to the manager to the City Council, as well as  
16 the people who administer the waste programs, to  
17 administer what is a very complex problem that I've  
18 learned. It's not just something that can simplistically  
19 lend itself to you aren't looking at the multifamily unit  
20 waste and therefore.

21 So I want to thank the panelists for being  
22 helpful and adding to our knowledge.

23 CHAIR MOULTON-PATTERSON: Thank you so much.  
24 We're now at the point in our agenda for Waste Prevention  
25 and Market Development. Ms. Wohl, Number 24, I guess.

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1           MS. WOHL: Good afternoon, Madam Chair and Board  
2 Members. I have two items to present today starting with  
3 Item 24, consideration of approval of University of  
4 California as contractor for the Capital Park resource  
5 efficient landscaping project, Contract Concept Number  
6 26.

7           In October 1999, the Board allocated \$35,000 to  
8 implement a model integrated organic materials management  
9 plan for Capital Park. After Board staff, with the  
10 assistance of Department of General Services, reviewed  
11 and evaluated that plan, it was determined that an  
12 additional \$55,000 was needed to ensure that all aspects  
13 of the plan could be fully implemented. In May the Board  
14 approved an additional \$55,000 from the RMDZ 98-99 and  
15 99-00 consulting and professional services estimated  
16 savings to fund this project.

17           This item provides \$90,000 in funding to the  
18 regents of the University of California through an  
19 interagency agreement to assist the Department of General  
20 Services in implementing resource efficient landscaping  
21 practices at Capital Park to reduce the generation of  
22 landscape trimmings, conserve water and minimize  
23 non-point source pollution.

24           The Capital Park resource efficient landscaping  
25 project will focus on the following objectives: Create a

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1 model program at Capitol Park to illustrate the  
2 resource-efficient landscaping practices are  
3 cost-effective and environmentally beneficial, provide  
4 DGS staff with training and equipment to incorporate  
5 these efficiencies, and improve waste management at  
6 Capitol Park to prevent commingling of landscape  
7 trimmings, recyclables, and trash.

8 Staff recommends the Board approve option one  
9 and adopt the Resolution for Item Number 24.

10 Are there any questions?

11 CHAIR MOULTON-PATTERSON: Any questions?

12 Mr. Paparian, would you like to make the motion?

13 BOARD MEMBER PAPARIAN: Yes.

14 CHAIR MOULTON-PATTERSON: Thank you.

15 BOARD MEMBER PAPARIAN: University of California  
16 is a great university. I wish we could do something to  
17 help their football teams.

18 (Laughter)

19 BOARD MEMBER PAPARIAN: With that, I move  
20 Resolution 2000-379, consideration of approval of  
21 University of California as contractor for the Capitol  
22 Park resource efficient landscaping project.

23 BOARD MEMBER JONES: Second.

24 CHAIR MOULTON-PATTERSON: We have a motion by  
25 Mr. Paparian.

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1           BOARD MEMBER ROBERTI: Madam Chair. I'm going  
2 to vote for Mr. Paparian's motion. However -- and mainly  
3 because Capitol Park is the state centerpiece and I think  
4 it makes some sense going ahead of everything else for  
5 that reason only. I share Mr. Paparian's view. The  
6 University of California is a great institution.

7           However, they're not so great when it comes to  
8 waste management. I think I almost hate having to put  
9 them ahead, so it's a good thing they're doing the  
10 Capitol Park because that's what tilts me over to voting  
11 for it, but putting them ahead when -- they basically  
12 with all the resources and all the academic brain power  
13 and enthusiasm of young people on the campus, the  
14 University ranks in my mind below the oil industry as far  
15 as affirmatively doing something to protect waste. And I  
16 think most of their waste managers, if they had a free  
17 conference here, would say the same thing. I almost hate  
18 putting them ahead.

19           CHAIR MOULTON-PATTERSON: I do understand. I do  
20 understand -- think I'm correct -- UC Davis has  
21 voluntarily put forth a plan under our AB 75, I believe.  
22 So at least Davis has done that.

23           BOARD MEMBER ROBERTI: The world is changing.

24           CHAIR MOULTON-PATTERSON: So we have a motion by  
25 Mr. Paparian, second by Mr. Jones, to approve Resolution

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1 2000-379.

2 Please call the roll.

3 BOARD SECRETARY: Eaton.

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY: Jones.

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY: Medina.

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY: Paparian.

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Moulton-Patterson.

14 CHAIR MOULTON-PATTERSON: Aye.

15 Item 26.

16 MS. WOHL: Item 26, consideration of approval of

17 City of Sacramento Department of Public Works as

18 contractor for the North Natomas landscape management

19 outreach program.

20 This item requests the Board to consider and

21 approve \$15,000 in funding for partnering with the City

22 of Sacramento Department of Public Works to conduct a

23 landscape management outreach program in the North

24 Natomas area of the city of Sacramento. This proposed

25 program is one of a series of landscape management

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1 outreach programs better known as LMOPs that have been  
2 conducted in partnership with local jurisdictions over  
3 the last couple of years in various regions of the state.  
4 The three goals of all these partnership programs are to  
5 reduce green materials generation and disposal of local  
6 wastesheds, assist jurisdictions' efforts to comply with  
7 the diversion mandate, and promote the use of recycled  
8 organic products in urban landscapes.

9           Since the North Natomas area in the city of  
10 Sacramento is currently being developed at a significant  
11 rate with a 40 percent increase in the city's population  
12 expected when the area is fully developed, this program  
13 provides an excellent opportunity to provide input into  
14 the development and execution of resource-efficient  
15 landscape management outreach education and planning  
16 activities that will achieve the established goals for  
17 these LMOPs.

18           This item also provides a \$10,000 redirection of  
19 funds for the production, printing and distribution of  
20 educational and outreach materials that will be used in  
21 support of the outreach activities developed for this  
22 program. In addition, the City of Sacramento will be  
23 providing matching funds to help fully fund this program.

24           Staff recommends the Board approve option one  
25 for this agenda item and adopt Resolution 2000-325.

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1 CHAIR MOULTON-PATTERSON: Thank you very much.

2 Questions? Do we have a motion here?

3 BOARD MEMBER JONES: I'll make the motion. I  
4 was trying real hard to get away from this making the  
5 motion stuff, but not a problem. I'll move Resolution  
6 2000-325.

7 BOARD MEMBER ROBERTI: It's your baritone voice.

8 BOARD MEMBER JONES: It must be. It must be. I  
9 said I'm going to kind of lay back today, give everybody  
10 else a chance.

11 (Laughter)

12 CHAIR MOULTON-PATTERSON: I'm sure I'm going to  
13 hear a second real fast; aren't I?

14 BOARD MEMBER ROBERTI: Second.

15 CHAIR MOULTON-PATTERSON: Okay. We have a  
16 motion by Mr. Jones, seconded by Senator Roberti, to  
17 approve Resolution 2000-325.

18 Please call the roll.

19 BOARD SECRETARY: Eaton.

20 BOARD MEMBER EATON: Aye.

21 BOARD SECRETARY: Jones.

22 BOARD MEMBER JONES: Aye.

23 BOARD SECRETARY: Medina.

24 BOARD MEMBER MEDINA: Aye.

25 BOARD SECRETARY: Papanian.

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1 BOARD MEMBER PAPARIAN: Aye.

2 BOARD SECRETARY: Roberti.

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY: Moulton-Patterson.

5 CHAIR MOULTON-PATTERSON: Aye.

6 We're moving on to Permits and we'll have  
7 Ms. Nauman.

8 MS. NAUMAN: Good afternoon, Madam Chair,  
9 Members. Julie Nauman with the Permitting and  
10 Enforcement Division.

11 Our next permit is Item 27, consideration of a  
12 revised Solid Waste Facility Permit for Greenwaste  
13 Recovery Facility in Santa Clara County. Mark DeBie will  
14 be making the presentation.

15 MR. DE BIE: Good afternoon, Madam Chair and  
16 Board Members. This item regards consideration of a  
17 revised Solid Waste Facility Permit for the Greenwaste  
18 Recovery Facility in Santa Clara County. There's an  
19 updated page that was passed out and was available in the  
20 back of the room. Page 27-3, inadvertently the last  
21 sentence was cut off, so the update has that full  
22 sentence.

23 The facility is owned and operated by Green  
24 Waste Recovery, Inc. and this proposed permit revision  
25 would allow the following: Change the waste type to

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1 include pre- and post-consumer food waste; extend the  
2 hours of operation from 8:00 p.m. to 10:00 p.m.; and then  
3 also add a wood chipping operation. Everything else  
4 remains the same at the facility.

5           At the time the item went to print, we were  
6 still trying to get additional information that we had  
7 requested relative to the CEQA process and documentation.  
8 Our initial review of the CEQA document indicated that  
9 the record was unclear relative to odor mitigations at  
10 the facility, so we requested additional information,  
11 clarification on that, and we received a letter from the  
12 lead agency on August 14th that clarified the issues for  
13 us.

14           So with that, staff is able to make all of the  
15 findings required and recommend that the Board concur  
16 with the issuance of the revised Solid Waste Facility  
17 Permit and adopt Resolution 2000-367.

18           Mr. Richard Archdeacon representing the LEA is  
19 present to answer any questions you have, as well as  
20 representatives from the operator, Mr. Evan Edgar.

21           BOARD MEMBER ROBERTI: Madam Chair.

22           CHAIR MOULTON-PATTERSON: Senator Roberti.

23           BOARD MEMBER ROBERTI: This appears to be rather  
24 significant, 943 tons and 4,200 tons --

25           MR. DE BIE: There is no increase in tonnage.

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1 BOARD MEMBER ROBERTI: There isn't? Okay.

2 Well, then that gets to another point that was brought

3 up. It says maximum daily tonnage is 943 tons --

4 actually, 4,200 tons a week, either or. Am I right?

5 We're on Item 27?

6 MR. DE BIE: Right. Yes. Both are in effect.

7 There's a daily maximum as well as a weekly maximum.

8 BOARD MEMBER ROBERTI: Is there any oppositions

9 from the -- any of the neighborhood?

10 MR. DE BIE: Board staff are unaware of any

11 opposition. Richard.

12 MR. ARCHDEACON: I don't know of any.

13 MR. DE BIE: The LEA is unaware of any

14 opposition.

15 BOARD MEMBER ROBERTI: And again refresh my

16 memory as to what the increase -- what the change is.

17 MR. DE BIE: They're adding an additional

18 wastestream but they're not increasing the overall

19 tonnage.

20 BOARD MEMBER ROBERTI: And that is again?

21 MR. DE BIE: Is food waste. And this facility

22 takes in several different wastestreams and transfers

23 them. I think the majority of the items are transferred

24 to a composting facility.

25 BOARD MEMBER ROBERTI: Right now?

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1 MR. DE BIE: Currently, yes.

2 CHAIR MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: I wanted to make clear  
4 for the LEA because I had gotten some communication. I  
5 had raised issues about basically juxtaposing this with  
6 the item yesterday in terms of what needs a permit, what  
7 doesn't need a permit. I think it's very appropriate  
8 that this facility receive a permit in the way that it  
9 has and I think the LEA did a good job with this permit.

10 MR. ARCHDEACON: Thank you.

11 BOARD MEMBER JONES: Madam Chair.

12 CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: I would like to move  
14 adoption of Resolution 2000-367 for a revised Solid Waste  
15 Facility Permit for the Greenwaste Recovery Facility in  
16 Santa Clara County.

17 BOARD MEMBER EATON: Second.

18 CHAIR MOULTON-PATTERSON: We have a motion by  
19 Mr. Jones, seconded by Mr. Eaton, to approve Resolution  
20 2000-367.

21 Please call the roll.

22 BOARD SECRETARY: Eaton.

23 BOARD MEMBER EATON: Aye.

24 BOARD SECRETARY: Jones.

25 BOARD MEMBER JONES: Aye.

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1 BOARD SECRETARY: Medina.

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY: Paparian.

4 BOARD MEMBER PAPARIAN: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 CHAIR MOULTON-PATTERSON: Aye.

9 Okay. Item Number 29.

10 MR. DE BIE: 29. And I get that one, so we'll  
11 roll right into this item.

12 That's consideration of a new Solid Waste  
13 Facility Permit for the Ukiah Transfer Station in  
14 Mendocino County. This is a large volume transfer  
15 station in the city of Ukiah. It's located on a little  
16 more than 4 acres. It will be permitted to receive 400  
17 tons per day. It's expected that the initial actual  
18 tonnage will be more like 140 to 200 tons per day.

19 The facility will be operated by Solid Waste  
20 Systems of Santa Rosa and it's being sited and proposed  
21 to be operated in lieu of the Ukiah Landfill which is  
22 nearing closure and expecting closure sometime in the  
23 winter of this year. All the wastes that are handled at  
24 the facility that are destined for disposal will be going  
25 to Potrero Hills Landfill in Solano County.

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1           All of the findings relative to this permit  
2 package have been made by staff, so staff are  
3 recommending that the Board concur on the issuance of the  
4 new Solid Waste Facility Permit and adopt Resolution  
5 2000-369.

6           BOARD MEMBER JONES: Madam Chair.

7           CHAIR MOULTON-PATTERSON: Mr. Jones.

8           BOARD MEMBER JONES: I'd like to move adoption  
9 of Resolution 2000-369 which is the new Solid Waste  
10 Facility Permit for the Ukiah Transfer Station in  
11 Mendocino County.

12          BOARD MEMBER MEDINA: Second.

13          CHAIR MOULTON-PATTERSON: Thank you, Mr. Jones  
14 and Mr. Medina. We have a motion by Mr. Jones, seconded  
15 by Mr. Medina.

16          BOARD MEMBER ROBERTI: Have there been any  
17 formal oppositions to this one?

18          CHAIR MOULTON-PATTERSON: Senator Roberti.

19          BOARD MEMBER ROBERTI: Has there been any formal  
20 oppositions?

21          MR. DE BIE: No opposition. Just to highlight  
22 one issue, during the CEQA process there was some  
23 concerns about pedestrian and bicycle traffic on a bridge  
24 nearby, and the lead agency was needed to make a  
25 statement of overriding considerations. They chose not

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1 to widen the bridge, but that was the only issue that was  
2 debated.

3 CHAIR MOULTON-PATTERSON: Thank you, Mr. DeBie.

4 Okay. We have a motion by Mr. Jones, seconded  
5 by Mr. Medina, to approve Resolution 2000-369.

6 Would the secretary please call the roll.

7 BOARD SECRETARY: Eaton.

8 BOARD MEMBER EATON: Aye.

9 BOARD SECRETARY: Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Medina.

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY: Paparian.

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 CHAIR MOULTON-PATTERSON: Aye.

19 Item Number 30.

20 MR. MARCINIAK: Good afternoon, Madam Chair and  
21 Board Members. Once again, Bill Marciniak of the Board's  
22 Permitting and Inspection Branch, and along with Chris  
23 Mastro of the Los Angeles County Local Enforcement Agency  
24 will be presenting agenda Item Number 30, which is for a  
25 revised Solid Waste Facility Permit for the Lancaster

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1 Landfill and Recycling Center in Los Angeles County.

2           The facility is owned and operated by Waste  
3 Management of California. The proposed permit is to  
4 allow an increase in the maximum waste receipt from 1,000  
5 tons a day to 1,700 tons a day, acceptance of a maximum  
6 of 10 tons per day of sewage sludge, acceptance of  
7 non-hazardous, treated auto shredded waste as alternative  
8 daily cover, allow non-fryable asbestos-containing waste  
9 disposal --

10           BOARD MEMBER ROBERTI: You've thrown out  
11 something there that I've never heard, auto shredded  
12 waste.

13           MR. MARCINIAK: Auto shredded waste. That's  
14 what is commonly referred to as fluff, when they chop up  
15 automobiles and there's cushions.

16           BOARD MEMBER ROBERTI: Auto means not self, it  
17 means automobile.

18           BOARD MEMBER JONES: It's the fluff, it's not  
19 the metal.

20           MR. MARCINIAK: The metal is recycled,  
21 hopefully, ordinarily. I guess there might be small  
22 pieces in there, but I doubt it.

23           It's also to allow an increase in the elevation  
24 from 1,395 to 1,400 feet and an expansion in acreage from  
25 100 to 276 acres. This will result in additional

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1 increase in site capacity of 21.6 million cubic yards.  
2 This increase in capacity is a result of the additional  
3 in capacity from the current fill area as well as the  
4 expansion areas.

5           The existing landfill footprint required to be  
6 documented on October 9th, 1993 due to RCRA Subtitle D  
7 established the limits of waste which was exempt from  
8 requirements of composite liners. Although lateral  
9 expansions of unlined municipal solid waste landfills was  
10 prohibited, vertical expansions of unlined areas is still  
11 allowed. The western and eastern expansion areas are  
12 lateral expansions --

13           BOARD MEMBER ROBERTI: -- that's something else  
14 I didn't know. What's the difference between vertical  
15 and horizontal expansion?

16           MR. MARCINIAK: Horizontal is --

17           BOARD MEMBER ROBERTI: I know that.

18           (Laughter)

19           BOARD MEMBER ROBERTI: The difference as far as  
20 what's allowed. You said there's a difference in what's  
21 allowed.

22           MR. MARCINIAK: Increase in height is allowed,  
23 whereas if they want to laterally expand or horizontally  
24 expand then they have to put a liner in that new area.

25           BOARD MEMBER ROBERTI: Okay. And vertically is

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1 allowed because I guess there's no way of -- I guess  
2 there would be a way of securing that.

3 MR. MARCINIAK: You mean put a liner on top of  
4 fill?

5 BOARD MEMBER ROBERTI: I don't know. It  
6 strikes me that there would be a way of securing for  
7 increased safety, increased vertical landfill.

8 MR. DE BIE: And we have seen projects that have  
9 proposed ways of dealing with potential impacts of  
10 vertical expansions where groundwater is being impacted,  
11 but the federal requirement, the RCRA requirement, is not  
12 there. It does not put any restrictions on vertical  
13 expansions.

14 BOARD MEMBER ROBERTI: So in essence what we're  
15 saying is right now there is no requirement on RCRA right  
16 now.

17 MR. DE BIE: Right. But in site-specific  
18 situations the Regional Boards have found it fit to  
19 require liners on top of fill. There's a lot of issues  
20 associated with that, technical issues, but site by site  
21 if it's deemed appropriate by the Regional Boards, there  
22 have been efforts to deal with the vertical expansion by  
23 putting in some kind of liner system.

24 BOARD MEMBER ROBERTI: So we have no RCRA  
25 requirement.

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1           MR. DE BIE: There are no restrictions on  
2 vertical expansions, yeah.

3           BOARD MEMBER PAPARIAN: So to follow up on that,  
4 does that then become -- it's discretionary to the State  
5 whether they -- whether a state such as California puts a  
6 restriction vertically; is that correct?

7           MR. DE BIE: A state can be more restrictive  
8 than the federal requirements, certainly. So if the  
9 State determined that there were issues relative to  
10 vertical expansions, they could propose regulations or  
11 rules to deal with those.

12          BOARD MEMBER PAPARIAN: Has this Board ever  
13 explored that, whether there should be a restriction on  
14 vertical expansions?

15          BOARD MEMBER EATON: We have last year I think  
16 at Tajiguas in Santa Barbara had a big issue where they  
17 had no ability to expand out this way for various  
18 reasons, and going up becomes critical because obviously  
19 I think that was an unlined site, if I'm not mistaken,  
20 originally. So the more you put on top, the theory goes  
21 that you get more going down under and so on and so  
22 forth. So vertical expansion, at least in my short  
23 tenure on this Board, has always been one that's been  
24 looked at with a very critical eye and because of the  
25 fact there may not be liners in some of these older sites

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1 it's just something that we just kind of look at very  
2 closely, I believe, has been the case.

3 MR. DE BIE: We've been looking at them case by  
4 case. The impacts that could result from vertical  
5 expansions could be increased gas production because  
6 you're increasing the volume of waste within that unlined  
7 cell. So we're looking at is there gas control systems  
8 in place and a way to deal with that increase in gas.  
9 But the majority of the impacts would be with the water  
10 quality issues, so that's well within the Regional  
11 Board's authority to look at that and we work with them  
12 as a sister agency to ensure that those issues are  
13 examined.

14 BOARD MEMBER PAPARIAN: Two questions from that.  
15 Have they already okayed this? And what is the nature of  
16 the vertical expansion? It's five feet, but what's going  
17 in the five feet?

18 MR. MARCINIAK: Backtrack on this particular  
19 site. In regards to this vertical expansion in regards  
20 to the Regional Board because there was -- there is to a  
21 certain extent still, but there was more so earlier the  
22 groundwater contamination issue. The Regional Board had  
23 required them to cease disposing of waste after August of  
24 this year on this particular unit, but because the  
25 groundwater has been cleaned up, they now are allowing

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1 this expansion in this area. So this being a Regional  
2 Board jurisdiction issue, groundwater and all, that is a  
3 little background on that.

4 BOARD MEMBER PAPARIAN: They've said okay.

5 MR. MARCINIAK: Right. They're allowing a new  
6 grading plan which --

7 BOARD MEMBER ROBERTI: "They" is the Regional  
8 Water Board.

9 MR. MARCINIAK: Right. Between the operator --  
10 the operator and myself we've done some calculations.  
11 The unlined area is to receive because of the new grading  
12 plan over the existing landfill. In addition to the  
13 eastern and western expansion, the unlined area would be  
14 receiving an additional 2.3 million cubic yards on top of  
15 the current fill.

16 BOARD MEMBER PAPARIAN: I had asked for that.  
17 2.3 million cubic yards.

18 MR. MARCINIAK: That's an approximate figure.

19 BOARD MEMBER PAPARIAN: Of waste?

20 MR. MARCINIAK: 1.5 million tons of -- cubic  
21 yards of refuse probably equivalent to about a million  
22 tons, 1.5 million cubic yards.

23 Should I finish up? I'm going on. There's more  
24 items. I wonder if we're done with the particular  
25 aspect.

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1           CHAIR MOULTON-PATTERSON: I see no other  
2 questions at this point.

3           MR. MARCINIAK: The closure date will also be  
4 extended from April 2002 to August 2012, and an increase  
5 in hours of waste receipt is also proposed to change from  
6 6:00 a.m. to 5:00 p.m. Monday through Saturday to 5:00  
7 a.m. to 8:00 p.m. Monday through Saturday.

8           The Local Enforcement Agency has made the  
9 following findings: That the city is identified in the  
10 Countywide Siting Element of Los Angeles County,  
11 Countywide Integrated Waste Management Plan; and that  
12 based upon the review of the Joint Technical Document and  
13 inspection conducted in February of 2000, that the design  
14 of the facility would allow the facility operations to be  
15 conducted in compliance with state minimum standards;  
16 that the proposed permit is consistent with and supported  
17 by the California Environmental Quality Act document that  
18 was prepared for the project; and the Local Enforcement  
19 Agency has certified the application package as complete  
20 and correct.

21           Board staff have also reviewed the proposed  
22 permit and supporting documentation and found them to be  
23 acceptable. Board staff of the Office of Local  
24 Assistance has found the facility description in the  
25 proposed permit is consistent with the description in the

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1 County's Countywide Siting Element, and therefore the  
2 proposed permit is in conformance with the County's  
3 Countywide Siting Element, and board environmental staff  
4 have determined that the environmental documents are  
  
5 adequate for the Board's environmental evaluation and  
6 approval by the Board.

7           Also for this particular proposed permit there  
8 is an amended page 2 that's been supplied in the lobby  
9 over there, and this is regarding the -- an additional  
10 conformance finding, approval in accordance with the  
11 requirements of Chapter 10 of the Los Angeles County  
12 Countywide Siting Element. That's a local condition  
13 that's not necessarily the Board's.

14           In conclusion, staff recommend that the Board  
15 adopt Solid Waste Facility Permit Decision 2000-357  
16 concurring with the issuance of Solid Waste Facility  
17 Permit Number 19-AA-0050. Mr. Chris Mastro of the LEA  
18 and Mr. John Workman and Paul Willman of Waste Management  
19 and myself are available to answer any questions.

20           CHAIR MOULTON-PATTERSON: I have one question.  
21 The setting it says it's open desert space with no  
22 structures within a thousand feet but there are some  
23 structures past that; is that right? Are there homes?

24           MR. MARCINIAK: There's a residential -- quite a  
25 few homes as a matter of fact to the west of there.

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1                   CHAIR MOULTON-PATTERSON: I just wonder because  
2 of the hours, 5:00 a.m. to 8:00. Is there a noise  
3 factor?

4                   MR. MARCINIAK: I wouldn't suspect that there  
5 would be. One particular facility that I did actually go  
6 out there in the middle of the night see if there was  
7 noise when they start operations. Didn't happen to do it  
8 here because they're currently not doing those hours. I  
9 wouldn't suspect that there would be. It's pretty quiet  
10 even in the daytime when you go out there. There's not  
11 that much beyond the site boundary.

12                  CHAIR MOULTON-PATTERSON: Did you have a  
13 question, Mr. Paparian?

14                  BOARD MEMBER PAPARIAN: We received a  
15 communication reporting on a conversation that  
16 Mr. Mohajer had and he refers -- they refer in here from  
17 the County of Los Angeles Department of Public Works to  
18 250 tons per day of sewage sludge, but when I look at the  
19 permit I see a figure of 10 tons per day.

20                  MR. MARCINIAK: We corrected that. Originally  
21 in the JTD it was 250 because the CEQA analysis only was  
22 conducted for 10 tons. The LEA agreed that should be  
23 changed and the operator also.

24                  BOARD MEMBER PAPARIAN: So everybody's in  
25 agreement now that it's 10 tons.

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1 MR. MARCINIAK: I hope so.

2 CHAIR MOULTON-PATTERSON: Senator Roberti.

3 BOARD MEMBER ROBERTI: What facilities and/or  
4 jurisdictions feed into this?

5 MR. MARCINIAK: City of Lancaster primarily,  
6 Antelope Valley.

7 BOARD MEMBER ROBERTI: Primarily Antelope Valley?

8 MR. MARCINIAK: City of Lancaster primarily.  
9 The operator might be able to answer that question.  
10 There was some import of waste earlier. I don't think  
11 that's still going on.

12 MR. WORKMAN: Principally takes waste from  
13 Antelope Valley, the cities of Lancaster and Palmdale.

14 BOARD MEMBER ROBERTI: Does their waste go  
15 anywhere else but here?

16 MR. WORKMAN: The Antelope Valley Landfill in  
17 Antelope Valley.

18 MR. MARCINIAK: Both sites are owned by Waste  
19 Management.

20 BOARD MEMBER JONES: Madam Chair.

21 CHAIR MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: I'll move adoption of  
23 Resolution 2000-375, consideration of a revised Solid  
24 Waste Facility Permit for Lancaster Landfill and  
25 Recycling Center in L.A. County.

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1           BOARD MEMBER MEDINA:   Second.

2           CHAIR MOULTON-PATTERSON:   Motion by Mr. Jones,

3 seconded by Mr. Medina, to approve Resolution 2000-375.

4           Please call the roll.

5           BOARD SECRETARY:   Eaton.

6           BOARD MEMBER EATON:   Aye.

7           BOARD SECRETARY:   Jones.

8           BOARD MEMBER JONES:   Aye.

9           BOARD SECRETARY:   Medina.

10          BOARD MEMBER MEDINA:   Aye.

11          BOARD SECRETARY:   Paparlian.

12          BOARD MEMBER PAPARIAN:   Abstain.

13          BOARD SECRETARY:   Roberti.

14          BOARD MEMBER ROBERTI:   Aye.

15          BOARD SECRETARY:   Moulton-Patterson.

16          CHAIR MOULTON-PATTERSON:   Aye.

17          I'd like to take a ten-minute break at this

18 time.

19          (Recess taken)

20          CHAIR MOULTON-PATTERSON:   I'd like to call the

21 meeting back to order.

22          Before we start with Mr. Walker, any ex partes,

23 Mr. Eaton?

24          BOARD MEMBER EATON:   None for me, thank you.

25          CHAIR MOULTON-PATTERSON:   Mr. Medina.

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1 BOARD MEMBER MEDINA: None for me.

2 CHAIR MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Meet-and-greet with Gary  
4 Petersen of Environmental Problem Solving Enterprises.

5 BOARD MEMBER ROBERTI: And as well for me,  
6 meet-and-greet, Mr. Gary Petersen.

7 CHAIR MOULTON-PATTERSON: Thank you. I have  
8 none.

9 Mr. Walker.

10 MR. WALKER: Good afternoon, Madam Chair,  
11 Members of the Board. Scott Walker, Permitting and  
12 Enforcement Division. I have the next two items.

13 This item presents consideration of one site for  
14 cleanup pursuant to the AB 2136 or solid waste disposal  
15 and codisposal site cleanup program. The site under  
16 consideration is the Young Adult Conservation Corps waste  
17 accumulated area. It's located within the Pinnacles  
18 National Monument in San Benito County.

19 Solid waste was disposed during the construction  
20 of the national monument primarily in the 1930s. Some  
21 waste was deposited in the '60s and this waste was  
22 associated with construction activities and an Adult  
23 Conservation Corps public works program.

24 In 1998 major storm events exposed waste within  
25 a flood plain of Chalone Creek and this waste poses a

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1 threat to endangered species habitat, in particular the  
2 red-legged frog and also downstream private property.

3 The site is a confirmed condition of pollution  
4 based on comparison with state minimum standards, and  
5 because of the proximity to environmentally sensitive  
6 habitats the site priority is A-2.

7 The National Parks Service is unable to complete  
8 a removal of waste, complete removal of waste, by the  
9 start of the upcoming wet season, and unless completely  
10 removed this waste will continue to pose a threat to  
11 habitat and also the downstream property owners.

12 The proposed project would include the Board's  
13 contractor removing all waste for proper disposal and  
14 recycling. The cost is estimated up to \$200,000, of  
  
15 which the National Parks Service is committed to  
16 reimburse the Board up to 50 percent of the Board's cost  
17 or up to \$90,000 in addition to significant in-kind  
18 services which is estimated at \$115,000.

19 I would like to point out in the agenda item it  
20 says the total cost is \$450,000. Actually the total  
21 estimated cost with reimbursement is \$315,000 of which  
22 the Board's maximum cost would be approximately \$110,000.

23 CHAIR MOULTON-PATTERSON: Excuse me.  
24 Mr. Paparian had a question.

25 BOARD MEMBER PAPARIAN: I was ready to move it.

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1 CHAIR MOULTON-PATTERSON: Excuse me. I'm sorry.

2 BOARD MEMBER EATON: Shocking.

3 (Laughter)

4 CHAIR MOULTON-PATTERSON: Continue.

5 MR. WALKER: I guess to move on really quick --

6 CHAIR MOULTON-PATTERSON: No, no.

7 (Laughter)

8 BOARD MEMBER EATON: Don't miss the boat.

9 MR. WALKER: The Board -- I wanted to remind the  
10 Board they approved -- the Board approved an equivalent  
11 cost-sharing arrangement and partnership on federally  
12 owned sites for five previous 2136 projects. These  
13 projects are in various stages of completion. Two are  
14 done, and in each project the federal government is  
15 meeting their obligations.

16 As approved for the other projects on federally  
17 owned lands, board staff are recommending waiver of cost  
18 recovery on the following basis in accordance with Board  
19 approved policy: Number one, the site is on publicly  
20 owned property and will be maintained in public benefit  
21 and use; two, the property owner did not cause an illegal  
22 disposal of waste; and three, the property owner will  
23 provide a significant cost sharing of 50 percent in cash  
24 and then significant other in-kind services.

25 Board staff conclude that the Young Adult

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1 Conservation Corps waste accumulation area meets AB 2136  
2 program criteria and are recommending adoption of  
3 Resolution 2000-370 to approve this site for a  
4 Board-managed remediation project.

5 CHAIR MOULTON-PATTERSON: Thank you, Mr. Walker.  
6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: All right. I move  
8 Resolution 2000-370, consideration of approval of new  
9 sites for the solid waste disposal and codisposal site  
10 cleanup program.

11 BOARD MEMBER EATON: I'll second that,  
12 Mr. Paparian.

13 CHAIR MOULTON-PATTERSON: Moved by Mr. Paparian,  
14 seconded by Mr. Eaton. Secretary, please call the roll.

15 BOARD SECRETARY: Eaton.

16 BOARD MEMBER EATON: Aye.

17 BOARD SECRETARY: Jones.

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY: Medina.

20 BOARD MEMBER MEDINA: Aye.

21 BOARD SECRETARY: Paparian.

22 BOARD MEMBER PAPARIAN: Aye.

23 BOARD SECRETARY: Roberti.

24 BOARD MEMBER ROBERTI: Aye.

25 BOARD SECRETARY: Moulton-Patterson.

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1 CHAIR MOULTON-PATTERSON: Aye.

2 Thank you, Mr. Walker, and you have the next  
3 item.

4 MR. WALKER: Yes. This item presents  
5 consideration of approval of new sites for the farm and  
6 ranch solid waste cleanup and abatement grant program.  
7 Staff reviewed these applications in accordance with  
8 Board-approved policies and procedures. The applications  
9 under consideration include Lassen and Mendocino  
10 Counties. Lassen County's application is for \$33,560 for  
11 cleanup of four sites on private property. Mendocino  
12 County's application is for \$10,000 to clean up one site  
13 on private property.

14 In general the projects involve waste  
15 segregation and hauling for recycling and disposal, and  
16 erosion control and site security are typically performed  
17 by prison crews, contractors, et cetera, with the local  
18 government applicant being the manager of the project.

19 Board staff conclude that the Lassen County and  
20 Mendocino County applications meet Board-approved  
21 criteria for the farm and ranch cleanup grant program and  
22 recommend adoption of Resolution 2000-371 to approve  
23 grants under this program.

24 CHAIR MOULTON-PATTERSON: Thank you.

25 Mr. Paparian.

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1           BOARD MEMBER PAPARIAN: In the absence of  
2 Mr. Jones, I guess I'll do the heavy lifting.

3           I move Resolution 2000-371, consideration of  
4 approval of new sites for the farm and ranch solid waste  
5 cleanup and abatement grant program.

6           BOARD MEMBER EATON: Second.

7           CHAIR MOULTON-PATTERSON: Mr. Paparian moves,  
8 Mr. Eaton seconds for approval of Resolution 2000-371.

9           Please call the roll.

10          BOARD SECRETARY: Eaton.

11          BOARD MEMBER EATON: Aye.

12          BOARD SECRETARY: Jones.

13          Medina.

14          BOARD MEMBER MEDINA: Aye.

15          BOARD SECRETARY: Paparian.

16          BOARD MEMBER PAPARIAN: Aye.

17          BOARD SECRETARY: Roberti.

18          BOARD MEMBER ROBERTI: Aye.

19          BOARD SECRETARY: Moulton-Patterson.

20          CHAIR MOULTON-PATTERSON: Aye.

21          We're now to Special Waste.

22          Mr. Leary, Number 34.

23          MR. LEARY: Thank you, Madam Chair, Members of  
24 the Board. I'm Mark Leary, Deputy Director for the  
25 Special Waste Division.

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1           Agenda Item 34 is consideration of adoption of a  
2 Negative Declaration and a minor waste tire facility  
3 permit for the Southern California Tire Recycling  
4 Company. It's an existing tire storage facility in the  
5 city of Imperial in Imperial County. It stores up to  
6 5,000 waste tires. They've submitted an application for  
7 a minor waste tire facility permit and are subject to the  
8 need for us to act as the lead agency for California  
9 Environmental Quality Act compliance.

10           We're recommending adoption of Resolution  
11 2000-363 firstly for the adoption of approval of the  
12 Negative Declaration, and secondly adoption of Resolution  
13 2000-366 for the minor waste tire facility permit.

14           BOARD MEMBER ROBERTI: I don't think we've had  
15 too many of these.

16           MR. LEARY: The reason this is being brought  
17 before the Board is because the Board has delegated  
18 administrative authority to issue minor waste tire  
19 facility permits in the regular course of business to the  
20 Executive Director in the program, but because of the  
21 Board needing to act as lead agency in this particular  
22 circumstance --

23           BOARD MEMBER ROBERTI: And we don't in other  
24 circumstances?

25           MR. LEARY: Traditionally the siting of the

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1 facility conditions initiates a change in the Conditional  
2 Use Permit. In this particular case the use was already  
3 apparently allowed for and so it didn't trigger a local  
4 agency response to CEQA in changing the Conditional Use  
5 Permit. Thus, the Board in making our decision on the  
6 permit becomes the lead agency and needs to act as a lead  
7 agency does for CEQA compliance.

8           So it's up to the Board now to adopt the  
9 Negative Declaration for the purposes of CEQA compliance  
10 prior to approving the permit, but you generally do not  
11 see it, correct. You generally do not see these minor  
12 waste tire facility permits. It's only because of the  
13 unique CEQA considerations in this case.

14           BOARD MEMBER ROBERTI: These permits are set up  
15 pursuant to state --

16           MR. LEARY: Yes, state law.

17           BOARD MEMBER ROBERTI: State law.

18           MR. LEARY: The definition of minor versus major  
19 waste tire facility permit is a threshold of 5,000 tires.  
20 So under 5,000 --

21           BOARD MEMBER ROBERTI: 5,000.

22           MR. LEARY: The majors do come before the Board.

23           BOARD MEMBER ROBERTI: Okay. I understand this  
24 is Imperial County.

25           MR. LEARY: Yes, sir.

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1           CHAIR MOULTON-PATTERSON: I have a question.  
2 Why did it take them June '98 until now to get up here?

3           MR. LEARY: They had operated before the  
4 Board -- subject to an exclusion, then the law changed,  
5 the exclusion was eliminated that didn't require them to  
6 get a permit, and then we had to go through the CEQA  
7 compliance. So the process took a little bit of time.

8           CHAIR MOULTON-PATTERSON: Thank you. Any other  
9 questions?

10          MR. LEARY: There are two resolutions that need  
11 to be adopted, 363 and then 366.

12          BOARD MEMBER ROBERTI: Two resolutions?

13          CHAIR MOULTON-PATTERSON: 363 and 366? Do I  
14 have any heavy lifter?

15          BOARD MEMBER ROBERTI: If I could find them,  
16 I'll tell you.

17          BOARD MEMBER MEDINA: I'd like to move that.

18          CHAIR MOULTON-PATTERSON: Okay. Mr. Medina.

19          BOARD MEMBER MEDINA: Madam Chair, I'd like to  
20 move Resolution 2000-363, adoption of a Negative  
21 Declaration for Southern California Tire Recycling  
22 Incorporation and minor waste tire facility permit.

23          CHAIR MOULTON-PATTERSON: I'll second that.

24          Moved by Mr. Medina, seconded by  
25 Moulton-Patterson, to move Resolution 2000-363.

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1           We'll do these separately right on roll call.

2           Ms. Villa, would you call the roll please.

3           BOARD SECRETARY: Eaton.

4           BOARD MEMBER EATON: Aye.

5           BOARD SECRETARY: Jones.

6           Medina.

7           BOARD MEMBER MEDINA: Aye.

8           BOARD SECRETARY: Paparian.

9           BOARD MEMBER PAPARIAN: Aye.

10          BOARD SECRETARY: Roberti.

11          BOARD MEMBER ROBERTI: Aye.

12          BOARD SECRETARY: Moulton-Patterson.

13          CHAIR MOULTON-PATTERSON: Aye.

14          We have one more resolution.

15          BOARD MEMBER MEDINA: I would like to move

16 Resolution 2000-366, for the issuance of a new minor

17 waste tire facility permit for Southern California Tire

18 Recycling, Inc., Imperial County.

19          CHAIR MOULTON-PATTERSON: I'll second.

20          Moved by Mr. Medina, seconded by

21 Moulton-Patterson, Resolution Number 2000-366.

22          Please call the roll.

23          BOARD SECRETARY: Eaton.

24          BOARD MEMBER EATON: Aye.

25          BOARD SECRETARY: Jones.

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1 Medina.

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY: Paparian.

4 BOARD MEMBER PAPARIAN: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 CHAIR MOULTON-PATTERSON: Aye.

9 Okay. Thank you. Number 35.

10 MS. GILDART: Good afternoon, Madam Chairman.

11 I'm Martha Gildart with the Special Waste Division. I'll  
12 be presenting Item 35 wherein staff is seeking approval  
13 of the waste tire management program 1999 annual report.

14 Originally the report had been required as part  
15 of the statute creating the tire program but that was  
16 rescinded in 1996, and since then we've been doing these  
17 reports more as an informational report for industry, the  
18 public, the Board. It covers the calendar year 1999, but  
19 because our budget cycle is split between the years, we  
20 often bring in bits of information of programs that were  
21 either the year before or the year after, and in some  
22 cases we'll just summarize the activities of the programs  
23 since they've started.

24 It is written from survey results. We send out  
25 surveys to the industry. We follow up with phone calls

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1 to check the data, and we are reporting the numbers as  
2 they've given them to us.

3 The major findings include 31 million tires,  
4 waste tires, generated in this state of which 20 million  
5 were recycled giving us roughly a 64 percent recycling  
6 rate for waste tires.

7 BOARD MEMBER ROBERTI: 31 million, is that --  
8 the number when I came on the Board was 30 million. Are  
9 we going up?

10 MS. GILDART: Slightly up. They're  
11 population-based mostly. There's sort of a rule of  
12 thumb, but we've been finding over the years based on the  
13 kind of driving habits of the California public. If you  
14 look at the table on page 36- -- 35-11, you'll see that  
15 when the program started in 1990 you were estimating 27  
16 million waste tires. We hit the 30 million mark in '96,  
17 and since then it's crept up slowly to its present  
18 estimate of 31.1 million.

19 We have also since the program's inception spent  
20 about \$12 million on various market development  
21 activities, about \$7 million on remediation, and almost a  
22 million dollars in local enforcement grants to improve  
23 our operations to the local level. This does not include  
24 the monies that the Board just allocated last May of this  
25 year where we dealt with some of the dollars from the

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1 99-2000 year.

2 In the agenda review meeting last week, the  
3 staff received comments from Member Paparian on the wish  
4 to have additional discussion on the import tires, and  
5 you still have the same packet before you but we will be  
6 adding a paragraph on page 36-12 that states that about 2  
7 million tires were imported from the states of Utah,  
8 Oregon, Nevada and Arizona, and they were used either as  
9 fuel in cement kilns or for crumb rubber production, or  
10 they went to disposal in some of California's landfills.  
11 The import occurs due to market conditions and to  
12 subsidies paid by the other states, and it's somewhat  
13 beyond the control of any state or local government.

14 BOARD MEMBER ROBERTI: Well, has our legislature  
15 looked into the -- or has any proposal been given to our  
16 legislature about our generating the money from our  
17 tires? If there's a cement kiln that's going to be  
18 operating anyway but they're going to be burning Utah  
19 tires instead of California tires, and I understand the  
20 environmental reasons for not wanting to burn them  
21 period, but it's going to be happening anyway, it strikes  
22 me that we might as well be getting rid of our tires  
23 rather than Utah's, unless somebody can explain to me a  
24 good reason why I'm wrong.

25 MS. GILDART: There are issues dealing with

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1 interstate commerce. I believe there have been cases  
2 taken before the Supreme Court on the ability or  
3 inability of states to restrict flow of materials, and  
4 particularly waste materials, which are part of doing  
5 business. We can't prohibit these materials from  
6 entering California.

7           The Utah tires are driven by I think it's a 75  
8 cent per tire subsidy paid to an end user for energy  
9 recovery purposes, and that is very attractive to the  
10 cement kilns. At the moment they're charging in the 20  
11 to 40 cents per tire as a tip fee for California tires,  
12 but they can get almost double that using a Utah tire.

13           BOARD MEMBER ROBERTI: For a California tire  
14 they get what?

15           MS. GILDART: It depends on the market what they  
16 can charge as a tip fee and it's usually in competition  
17 with the nearest landfill. So they try to undercut what  
18 that landfill disposal may be. The cement kilns could  
19 actually take tires for free and still benefit from their  
20 substitution for the coal they would have to pay \$30 a  
21 ton for. So they will charge a tip fee for the tires  
22 that they burn that's somewhat less than the nearest  
23 landfill and that ranges from 20 to 40 cents a tire, \$20  
24 to \$40 a ton roughly. When they take tires from Utah  
25 they get paid more.

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1               BOARD MEMBER ROBERTI: But they get paid more.

2               BOARD MEMBER PAPARIAN: Part of the reason I  
3 brought this up previously was because I think there  
4 probably are some policy issues and implications here. I  
5 don't know where we can go with this, but I think it's  
6 worth flagging especially since we're importing more  
7 tires than we're exporting.

8               CHAIR MOULTON-PATTERSON: Thank you for bringing  
9 that up, Mr. Paparian.

10              MS. GILDART: There are also a couple of minor  
11 corrections that we needed to make in the appendices  
12 where we listed some grants and grantees. We need to add  
13 a name and add some totals, but I don't think that really  
14 affects the content of the report. But we'll be doing  
15 that on the final draft, unless there are other  
16 questions.

17              CHAIR MOULTON-PATTERSON: I see none,  
18 Ms. Gildart.

19              Do we have a motion for this?

20              BOARD MEMBER PAPARIAN: I'll move Resolution  
21 2000-364, consideration of approval of the waste tire  
22 management program 1999 annual report.

23              BOARD MEMBER MEDINA: Second.

24              CHAIR MOULTON-PATTERSON: Okay.

25              We have a motion by Mr. Paparian, seconded by

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1 Mr. Medina, to approve the waste tire management program  
2 1999 annual report.

3 Please call the roll.

4 BOARD SECRETARY: Eaton.

5 BOARD MEMBER EATON: Aye.

6 BOARD SECRETARY: Jones.

7 Medina.

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY: Paparian.

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Moulton-Patterson.

14 CHAIR MOULTON-PATTERSON: Aye.

15 Ms. Gildart, Number 36.

16 MS. GILDART: I think this one shouldn't take  
17 very long, but I am aware you need 4:00 to break for  
18 testimony. Is it all right if I proceed?

19 CHAIR MOULTON-PATTERSON: Certainly.

20 MS. GILDART: Item 36, we're asking approval of  
21 the proposed distribution of funds, applicant and project  
22 eligibility, and scoring criteria for the 2000-2001 park  
23 playground accessibility and recycling grant program,  
24 known as the Villaraigosa-Keeley Act.

25 This is a separate program from the School Bond

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1 Playground Safety Act that the Board has heard earlier in  
2 the spring. This was \$7 million that had been set aside  
3 in the current -- in the recent park bond in March, and  
4 it deals both with the safety and with accessibility  
5 issues at playgrounds.

6 What we are presenting here are the project and  
7 applicant eligibility requirements and how we'll be  
8 scoring the applications we receive. We will be

9 returning at a later meeting. I think at this moment  
10 we're looking at October with proposals to modify the  
11 actual grant review process that the Board uses given the  
12 size and scope of this grant program, and truthfully what  
13 we're learning with the School Bond Act -- I don't know  
14 if you're aware, but we received 397 applications under  
15 the School Bond Act and that's a bit difficult on the  
16 staff resources to handle that size.

17 With this one what we're asking for from the  
18 Board is to approve issues such as the geographic and  
19 demographic distribution of funds, and we did this also  
20 in the School Bond Act where there was a 60 percent and  
21 40 percent split of how we will distribute the actual  
22 grant awards based on a geographic line north of Kern  
23 County where 60 percent of the state population is south  
24 of that and 40 percent is north.

25 We're also defining the eligible applicants as

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1 they were described in the Villaraigosa-Keeley Act on  
2 what a park district is and it's actually quite broad.  
3 We estimate something like 1,400 potential applicants for  
4 this program. If a school is interested, if any share a  
5 park facility, a playground facility with a park, then  
6 you can have a joint application between the park and the  
7 school where the park will actually be the signatory to  
8 the grant application.

9           To be eligible, an applicant must guarantee that  
10 50 percent of the grant funds will be used for  
11 improvement or replacement of playground equipment with  
12 the use of recycled content materials, that they will  
13 make a match of 50 percent of the Board's grant awards.  
14 That means if we can give out the maximum amount of  
15 \$50,000 as specified by the park bond, then they need to  
16 provide \$25,000 match, 50 percent of the award, not 50  
17 percent of the project.

18           They will have to have had an initial playground  
19 inspection by a certified playground safety inspector and  
20 they are required to put signs up afterwards to  
21 acknowledge the Board's participation in the grant.

22           There are definitions for what a playground is  
23 and what it is not. It is an improved outdoor area  
24 designed, equipped and set aside for children's play that  
25 is not intended for use as an athletic field or athletic

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1 court, and it does not include tennis courts, skateboard  
2 facilities, swimming pools, athletic fields or other  
3 sport facilities.

4           We will be using the Board's general review  
5 criteria, which include the evidence of a green  
6 procurement policy and the evidence of a re-refined oil  
7 policy, as well as three program-specific review criteria  
8 wherein we'll be judging if they have a recycling program  
9 in place -- this is where they actually recycle the  
10 material, not just buying recycled; what the age of the  
11 playground is, and we have it split into three different  
12 categories, built before 1970 and '79, '80 and '89, they  
13 get different numbers of points there; and then an  
14 economic need criteria. If the community applying for  
15 the park grant is in an enterprise zone, they will get  
16 additional points. These are all spelled out on 36-8 and  
17 36-9.

18           Any questions?

19           CHAIR MOULTON-PATTERSON: Mr. Paparian.

20           BOARD MEMBER PAPARIAN: At our workshop I  
21 complimented you on the inclusion of the green  
22 procurement and recycling and so forth. I have a couple  
23 questions about those scoring criteria. As I understand  
24 it, some of this money will be used by parks as opposed  
25 to schools?

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1 MS. GILDART: In this one, yes.

2 BOARD MEMBER PAPARIAN: You may want to look at  
3 the description of the recycling program program criteria  
4 which refers to the educational agency and it may not, in  
5 fact, be an educational agency. It may be a park. And  
6 since it may include parks, I think some sort of active  
7 grasscycling or composting program is implied but may not  
8 be understood in the applicant's development of their  
9 materials.

10 MS. GILDART: So we could modify that criterion  
11 by stating that grasscycling or other on-site recycling  
12 activities qualify.

13 BOARD MEMBER PAPARIAN: Recycling activities --

14 MS. GILDART: Including.

15 BOARD MEMBER PAPARIAN: -- including  
16 grasscycling and product recycling, something like that.

17 MS. GILDART: Okay. We can do that.

18 BOARD MEMBER PAPARIAN: Take out educational and  
19 just have it be local agency. It's not the local  
20 educational. Sorry to be word-smithing it at this late  
21 date. I just caught that this morning.

22 MS. GILDART: Okay.

23 CHAIR MOULTON-PATTERSON: Mr. Eaton.

24 BOARD MEMBER EATON: I was going to echo the  
25 same sentiments about the local applicant really, but I

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1 also was wondering since we're dealing with parks and  
2 schools and you have someone like L.A. Unified, you have  
3 someone like San Francisco, you have someone like San  
4 Jose, where in a park or where in a school would their  
5 fleet with re-refined oil -- is it better to put more  
6 points in a section where we can get some of the schools  
7 to actually do more recycling?

8           And the oil component, even though it's supposed  
9 to be standard throughout, I would hate to see some of  
10 the larger school districts, or even for that case some  
11 of the smaller school districts that may not have the  
12 money, depending upon a criterion which may not relate so  
13 much to the money because that could be part of the  
14 recycling program, re-refined oil, rather than separating  
15 it out and having re-refined oil maybe be a component of  
16 the recycling program, but that's just -- why oil in this  
17 setting?

18           I know because we have it in other components,  
19 but I'm trying to find a nexus as it relates to these  
20 funds so everyone has a fair chance.

21           MS. GILDART: That's a very good point. We're  
22 discovering as we go through the review process on the  
23 school bond grant applications that this is difficult for  
24 many of the schools. If they don't operate a fleet of  
25 buses or something, they don't necessarily have a place

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1 to use re-refined oil, some of the smaller schools if  
2 they're part of a large district and you have one school  
3 apply.

4           It may be something we could refine as our  
5 program matures. Do you wish to change the points?

6           BOARD MEMBER EATON: Do you have a way of  
7 combining and putting it all as an add that's five and  
8 five, 10 points in it that makes perhaps re-refined oil  
9 as a component, if there was a component, that that could  
10 qualify or actually be part of our recycling program but  
11 not actually one that is singled out individually because  
12 of that?

13          BOARD MEMBER PAPARIAN: That may be more  
14 appropriate to procurement than recycling.

15          BOARD MEMBER EATON: Sure. Some way in that  
16 category and that puts everyone in the realm of being  
17 able to get some points in that category and promotes our  
18 policy to getting the schools to do a little more  
19 recycling or procurement of green products.

20          MS. GILDART: So to understand your proposal,  
21 in a sense we could make the criterion number 8 part of  
22 number 7, one of those things which they could show  
23 evidence of a green procurement policy.

24          BOARD MEMBER EATON: That would be recycled or  
25 reused products; would it not?

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1 MS. GILDART: Yes.

2 BOARD MEMBER EATON: You could go that way.

3 That would be -- so 7 and 8 are just merged together. It  
4 would be 10.

5 BOARD MEMBER ROBERTI: As opposed to five and  
6 five?

7 BOARD MEMBER EATON: The oil is singled out as  
8 five.

9 MS. GILDART: That way if you had an  
10 applicant --

11 BOARD MEMBER ROBERTI: Had a great re-refined  
12 oil program, he could get up to 10.

13 MS. GILDART: Get 10 points, or if they had a  
14 very good program on some other they could still get 10  
15 points.

16 BOARD MEMBER EATON: Or if they didn't have,  
17 they could still get some points if they had some other  
18 green procurement policy or recycled --

19 BOARD MEMBER ROBERTI: My concern I have is  
20 green procurement policy often simply refers to paper  
21 products. I would like to give some -- I would hope we  
22 could start giving some notice that we're going to be  
23 looking at items other than --

24 MS. GILDART: We could do a list of recycled  
25 possible products and then say two out of five will get

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1 you so many points and five out of five.

2 BOARD MEMBER ROBERTI: Very good idea. I don't  
3 want to down-play recycled paper because it's not as if  
4 the whole world is attuned to using it, but to the extent  
5 that anybody is attuned to anything, it's usually  
6 recycled paper, and everything else -- I don't know what  
7 the numbers are, but number two is significantly --  
8 extremely lower than the use of recycled paper.

9 I actually like your idea, Martha, of any two of  
10 the five or something of that nature as being a method of  
11 introducing options other than paper.

12 BOARD MEMBER EATON: That's fine. Chairs and  
13 desks and furniture should be something that they should  
14 be doing as well as paper. Absolutely. Whatever that  
15 might be.

16 MS. GILDART: We could work with the advisors on  
17 exact points but capture that idea here of a list and  
18 points assigned for how many out of that list.

19 CHAIR MOULTON-PATTERSON: That sounds good. Any  
20 other questions before we move this?

21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: I'll move Resolution  
23 2000-365, consideration of approval of proposed  
24 distribution of funds, applicant and project eligibility,  
25 and scoring criteria for FY 2000/2001 park playground

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1 accessibility and recycling grant program, the  
2 Villaraigosa-Keeley Act.

3 BOARD MEMBER EATON: As amended in direction to  
4 the staff?

5 BOARD MEMBER PAPARIAN: Right.

6 BOARD MEMBER MEDINA: I will second it with the  
7 understanding that this takes away nothing from the Los  
8 Angeles, San Francisco or San Jose School Districts.

9 (Laughter)

10 CHAIR MOULTON-PATTERSON: Okay. So we have a  
11 motion by Mr. Paparian, seconded by Mr. Eaton --  
12 Mr. Medina.

13 BOARD MEMBER EATON: Seconded with the  
14 understanding.

15 CHAIR MOULTON-PATTERSON: With that  
16 understanding, to approve Resolution 2000-365.

17 Secretary, would you please call the roll.

18 BOARD SECRETARY: Eaton.

19 BOARD MEMBER EATON: Aye.

20 BOARD SECRETARY: Jones.

21 Medina.

22 BOARD MEMBER MEDINA: Aye.

23 BOARD SECRETARY: Paparian.

24 BOARD MEMBER PAPARIAN: Aye.

25 BOARD SECRETARY: Roberti.

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1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY: Moulton-Patterson.

3 CHAIR MOULTON-PATTERSON: Aye.

4 I'm going to take just a quick change here. We  
5 don't want to rush through Number 37 and we have some  
6 people waiting that wanted to speak to the Board and were  
7 told approximately 4:00. So I would feel more  
8 comfortable going ahead, if it's okay with everybody,  
9 taking these so they don't have to wait and get in all  
10 the traffic. Just a moment.

11 Jim Trujillo or did you want to do this in a  
12 certain order? I'm not sure if you wanted to go in a  
13 certain order or I'm just calling the names as they  
14 appear here.

15 MR. TRUJILLO: Good morning. We're speaking on  
16 the conformance issue; right?

17 CHAIR MOULTON-PATTERSON: Yes. Jim Trujillo?

18 MR. TRUJILLO: Yes. Good afternoon, Madam  
19 Chair, Members.

20 CHAIR MOULTON-PATTERSON: Thank you for waiting.

21 MR. TRUJILLO: Sure. Sorry. I was outside  
22 talking.

23 My name is Jim Trujillo, and on behalf of San  
24 Bernardino County LEA, I'd like to express our position  
25 that in order for a revised Solid Waste Facility Permit

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1 to be concurred with by you, the Waste Board, the  
2 existing County Integrated Waste Management Plan should  
3 not have to be amended. And I'll try to be real brief  
4 here.

5           Public Resources Code Section 50001(a) states  
6 that no person shall establish or expand a solid waste  
7 facility unless one or two criteria in subsection one or  
8 two is met. And number one states that if the facility  
9 is a disposal facility or transformation facility, the  
10 location must be identified in the approved Countywide  
11 Siting Element or amendment thereto. Number two states  
12 the solid waste facility is a facility which is designed  
13 to, and which as a condition of its permit, will recover  
14 for reuse or recycling at least 5 percent of the total  
15 volume of material received by the facility and which is  
16 identified in the approved Non-Disposal Facility Element  
17 or amendment thereto.

18           Also, if a person or agency proposes to  
19 establish a solid waste facility that is assigned a  
20 brand-new facility, the site identification and  
21 description of the proposed facility shall be prepared  
22 and submitted to the task force for comment, and that's  
23 in PRC Section 50001(c).

24           So it's our view that these sections of the code  
25 are pretty clear. They don't require interpretation. A

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1 dot on the map, to use a commonly used phrase, in an  
2 approved County Integrated Waste Management Plan  
3 sufficiently demonstrates conformance. Also, Section  
4 21750 entitled "applicant requirements" in Title 27 gives  
5 further support to the view that a dot on the map is  
6 sufficient. And this states that after the Integrated  
7 Waste Management Plan has been approved by you, the Waste  
8 Board, the permit application shall include a statement  
9 that the facility is identified in either the Countywide  
10 Siting Element, the Non-Disposal Facility Element or in  
11 the Source Reduction and Recycling Element, or that the  
12 facility is not required to be identified pursuant to PRC  
13 50001. And notice that it does not say identify and  
14 describe. The facility only has to be identified.

15 I said I would be brief. Thank you for  
16 providing me with the opportunity to comment on this  
17 issue and, Madam Chairman, special thanks for holding  
18 this hearing here in Southern California.

19 CHAIR MOULTON-PATTERSON: Thank you. Thank you  
20 for coming. We appreciate your comments.

21 Justin Milan.

22 MR. MILAN: Good afternoon, Madam Chair, Board  
23 Members.

24 Thank you again for the opportunity to have some  
25 of the LEAs address you. We were concerned that there

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1 were some folks in Southern California that might not be  
2 afforded the opportunity to discuss on the conformance  
3 and the enforcement regs.

4 I just wanted to touch on the enforcement regs  
5 because that was transferred from this meeting until next  
6 month, and on behalf of the local environmental health  
7 directors and most of the LEAs we wanted to tell you that  
8 even though we did try to work with the industry, we  
9 don't really see any need to change the regs at this  
10 point. We believe that the process works.

11 There is due process in the program as we have  
12 it now. In looking back over the records, one of the  
13 LEAs did their homework and they saw out of 11,420  
14 violations that it be noted on LEA inspection reports  
15 over the last six years only one, one out of 11,000 there  
16 was a request to actually appeal that notice of  
17 violation.

18 So we don't see a really big need for any change  
19 of this. The LEAs want to retain their flexibility.  
20 They want to be able to have that option to issue a  
21 notice of violation, but most importantly we don't want  
22 to have a chill on that opportunity of the LEAs to issue  
23 that notice of violation. We would be concerned that if  
24 that notice of violation could be appealed to a hearing  
25 panel, it may chill the LEA's ability to take that first

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1 initial step in enforcement.

2 So therefore, we would like to suggest that we  
3 might need to clarify this. Most EPPs do have the  
4 process, the local due process, spelled out in them but  
5 if you feel that there is a need to address this in the  
6 EPPs, we could spell that out more specifically.

7 CCDH has written a letter to you and that was  
8 dated August the 10th and that addresses our issues.  
9 There are some other LEAs who would like to concur on  
10 this.

11 Thank you.

12 CHAIR MOULTON-PATTERSON: Just a moment.

13 Mr. Paparian.

14 BOARD MEMBER PAPARIAN: What's an EPP?

15 MR. MILAN: Enforcement Program.

16 BOARD MEMBER PAPARIAN: What's the second "P"  
17 stand for?

18 MR. MILAN: Sorry. The Enforcement Program  
19 Plan. The local agencies do have that and I have a copy  
20 here from Santa Barbara which actually spells out quite  
21 specifically the local due process of the EPP. So it  
22 is -- I believe it's adopted by all LEAs, but we could  
23 clarify that due process is made available to all the  
24 operators.

25 CHAIR MOULTON-PATTERSON: Thank you, Mr. Milan.

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1 Next --

2 BOARD MEMBER ROBERTI: Madam Chair.

3 CHAIR MOULTON-PATTERSON: Senator Roberti.

4 BOARD MEMBER ROBERTI: To the prior speaker, I'm  
5 on a delayed reading here.

6 (Laughter)

7 BOARD MEMBER ROBERTI: I appreciate everything  
8 you said. We discussed this issue a number of times.  
9 However, it strikes me a dot on the map -- we had an  
10 interesting discussion about an hour ago about horizontal  
11 and vertical configuration. A dot on a map -- you have a  
12 dot on a map, you could under -- it appears the way  
13 you're trying to present this, you could go as high as  
14 you want and it would still be a dot on the map even  
15 though the configuration was --

16 MR. TRUJILLO: For a revised Solid Waste  
17 Facility Permit, that's correct, but then also I believe  
18 it's every five years when the Integrated Waste  
19 Management Plans are to be reviewed and at that time  
20 amendments could be made to it to include any additional  
21 tonnage or increased acreage, but we don't think that --

22 BOARD MEMBER ROBERTI: I see your point. I  
23 don't think I agree, but the other problem is that you  
24 could ask for a significant increase in tonnage, so  
25 significant that it, in effect, would amount to an

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1 altogether different landfill and still have the same dot  
2 on the map.

3 MR. TRUJILLO: Correct. The increased tonnage  
4 though would also be assessed in the environmental  
5 document.

6 BOARD MEMBER ROBERTI: Just locality is  
7 something -- isn't simply its width and its length. Its  
8 height, its time period, frequency of use, its  
9 configuration, all these things deal with physicality of  
10 so-called dot on a map, and I think the people who are  
11 trying to maintain what I guess is the status quo when  
12 you're dealing with this are trying to say that dot on a  
13 map, physicality is only two dimensions. And I'm saying  
14 not just three dimension, time is a dimension too.

15 All those changes are things that I think we  
16 have to take into consideration which would say that  
17 maybe a new permit or amendment to that permit is  
18 necessary.

19 The other problem I have is if a company is  
20 fortunate enough to have the dot on the map, sort of  
21 reserving its place, somebody new coming in who wants to  
22 be competitive with that company is going to have to go  
23 through a terrible regulatory rigmarole compared,  
24 compared to who has the dot on the map.

25 MR. TRUJILLO: The permitting process is

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1 identical for the expansion or for a revision as opposed  
2 to a brand-new one. All these items that you're  
3 discussing are included in the CEQA document that are  
4 circulated for review and comment.

5 BOARD MEMBER ROBERTI: If all we had was CEQA,  
6 we wouldn't even need this Board. There are other --  
7 there are other regulatory documents that are very  
8 necessary and you aren't the first one who brought up  
9 CEQA. It's often brought up. Notice requirements, nor  
10 are notice requirements because the CEQA is taking care  
11 of it. The only thing I can submit to people -- and I  
12 guess I'm being argumentative, I totally understand your  
13 position. I don't agree with it -- is that we might as  
14 well just have a CEQA Board then, whatever the relevant  
15 board is, because it's often given as the reason why we  
16 should not look at notice and a whole bunch of other  
17 things.

18 I for one don't by the dot on the map theory,  
19 just speaking for myself. And that doesn't mean that I  
20 want to put every amendment through a full regulatory  
21 change. Sometimes that's very, very impossible,  
22 especially for very large counties. So there must be  
23 some way we can blend both the common sense and  
24 regulatory protection together because I've talked to a  
25 number of LEAs and they have told me of the very, very

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1 difficult experience of having to amend every time  
2 there's a change. And I understand that, but I don't buy  
3 only dot on the map because I think that's too simple an  
4 answer that really will not fulfill our job.

5 MR. TRUJILLO: One point on this last statement  
6 that you made is that we have two different agencies, the  
7 LEA works and is responsible for developing and issuing  
8 the permit, but it's usually another agency, a public  
9 works agency, that is the keeper of the Integrated Waste  
10 Management Plan.

11 CHAIR MOULTON-PATTERSON: Thank you. I was --  
12 and this is my fault. I should have been real definite.  
13 This is public comments, and I was asked to remind the  
14 Board that we're just supposed to listen now because it's  
15 not noticed.

16 BOARD MEMBER ROBERTI: Oh, I'm sorry.

17 CHAIR MOULTON-PATTERSON: I'm sorry. My fault.  
18 I wasn't clear about that.

19 BOARD MEMBER ROBERTI: Oh, well.

20 CHAIR MOULTON-PATTERSON: Thank you. No, it was  
21 a good discussion.

22 BOARD MEMBER ROBERTI: Cancel everything I said.

23 (Laughter)

24 CHAIR MOULTON-PATTERSON: Steven Sam -- I'm  
25 going to mispronounce your name. I'll let you say it for

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1 the record.

2 MR. SAMANIEGO: Thank you, Madam Chair and Board  
3 Members. My name is Steve Samaniego with the City of  
4 West Covina, and I'd like to thank the Board very much  
5 for allowing us here in Southern California to give  
6 testimony. The item is to be heard next month in  
7 Sacramento.

8 Again, I'm going to speak on the regulatory Item  
9 Number 33 on the enforcement issue. I'd like to ask the  
10 Board to consider no change on the regulatory  
11 requirements. Again, this LEA, along with other LEAs,  
12 feel that no change is the best option. Again, it works  
13 already. There's no need to fix something that's already  
14 working, and the biggest thing is that again allows --  
15 the locals already have due process, as Justin Milan just  
16 mentioned. We all have a due process already fixed in  
17 our enforcement program.

18 And again, I think I would be one LEA willing  
19 to -- if there is a sincere concern with the way the due  
20 process is, I'd be willing to change our Enforcement  
21 Program Plan to reflect and ensure the Board we do have  
22 and we are allowing the operator that process to discuss  
23 a violation being noted on an inspection form.

24 So again, thank you very much for allowing us  
25 this opportunity.

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1 CHAIR MOULTON-PATTERSON: Thank you very much.

2 Richard Hanson, L.A. County -- L.A. County LEA.

3 MR. HANSON: Good afternoon, Madam Chair and  
4 Members of the Board. Richard Hanson, the Chief of the  
5 Los Angeles County Local Enforcement Agency.

6 It used to be quite often I addressed the Board.  
7 It's been about three years, and the only Member that's  
8 left is Mr. Jones and he's not here now either.

9 (Laughter)

10 MR. HANSON: I'd like to read a prepared  
11 statement that I think reflects most of the LEAs that  
12 I've talked to, and I've -- most of them in the state.

13 Generally, what is an enforcement action? I  
14 believe it's a specific order to the operator that  
15 includes a specific penalty such as a notice and order.  
16 I would suggest that option number one be adopted if you  
17 must adopt an option that's listed in the agenda.  
18 Preferably, though, I would say don't adopt anything.

19 Where written notice or when a violation is  
20 noted in an inspection report, this is not an enforcement  
21 action but only confirms non-compliance. That would be  
22 option one.

23 Option three in my opinion describes an  
24 incipient enforcement action that becomes a reality if  
25 the operator continues to protest it. Also I should note

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1 that once a notice and order is issued, one has to wait  
2 ten days before the notice and order can be issued after  
3 you make the decision because four agencies must be  
4 notified.

5 I instruct my staff that we regulate people, not  
6 things, and we, as the regulators, are not robots but  
7 people also. Therefore, relationship is developed  
8 between regulator and operator one-on-one, between  
9 people, operating within the constraints of the law,  
10 requirements of the site and the policies of both  
11 organizations.

12 Since the L.A. County LEA considers the written  
13 notice as primarily a formal warning, great latitude is  
14 given to the inspector and the operator to address  
15 violations. This is underscored by the fact that many  
16 violations are handled verbally. Written violations are  
17 always noted for serious or recurrent violations.

18 If initial violations are considered as  
19 appealable enforcement actions, then this relationship  
20 will change. The process will become much more formal.  
21 Everyone involved will act differently. I believe this  
22 will increase tension between regulator and operator.

23 Recently L.A. County Health Services initiated a  
24 restaurant classification program based on initial  
25 inspections. Health Services quality assurance officers

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1 noticed that certain violations that used to be routinely  
2 noted verbally are now documented in the inspection  
3 report even though there has been no pressure to write or  
4 document these violations. It seems that the inspectors  
5 of these facilities are more aware of the ramifications  
6 of their inspections and have begun to act much more  
7 formally. I believe this will be the case here also if  
8 violations are considered as appealable enforcement  
9 actions.

10           Some people have indicated that a few LEAs may  
11 be reluctant to note violations if you consider the  
12 violations as appealable, and this may be true, but I  
13 think this primarily will be directed toward the smaller  
14 LEAs. Most LEAs will continue, as before, identifying  
15 violations at the same frequency. The LEAs will adapt to  
16 whatever processes are necessary in order to properly  
17 protect public health, safety and the environment.

18           I personally would order my staff to maintain  
19 their level of oversight, independent of consideration of  
20 any future appealable violation. If I need twice the  
21 number of staff to carry this off, I'll go to the Board  
22 of Supervisors, ask for a fee increase and increase the  
23 staff.

24           If there is a need for a formal process that  
25 allows the operator to discuss LEA activities, then a

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1 simple requirement could be inserted into an LEA's EPP.  
2 L.A. County has an administrative hearing process that is  
3 utilized when violations are not complied with in the  
4 allotted time for recurrent violations or for a serious  
5 initial violation. 99.9 percent of all non-compliance  
6 administrative hearings lead to compliance. I believe  
7 only two notice and orders have ever been issued for  
8 non-compliance in L.A. County. We have never filed a  
9 court case at a solid waste facility.

10 I appeal to you to not change a due process that  
11 seems to work. Don't formalize an informal process that  
12 addresses and brings to satisfactory compliance the  
13 overwhelming number of violations noted at solid waste  
14 facilities that are initially verbally or in written  
15 form.

16 If you feel it necessary to require some type of  
17 hearing or conference process between the LEAs and  
18 operator, I don't think the prescriptive procedures  
19 offered in option number three will work as each LEA  
20 operates in a somewhat different way and should be  
21 allowed to design their procedures that meet and  
22 accommodate the LEA's current enforcement program.

23 That's it.

24 CHAIR MOULTON-PATTERSON: Thank you.

25 BOARD MEMBER ROBERTI: Madam Chair.

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1 CHAIR MOULTON-PATTERSON: Senator Roberti.

2 BOARD MEMBER ROBERTI: I'm not asking you a  
3 question. It is frustrating because we have citizens  
4 coming up, in effect petitioning their government, and  
5 the government has to stand mute and cannot say whether  
6 they agree, disagree, and that sort of I think puts the  
7 Open Meeting Act topsy-turvy.

8 My own suggestion is, and I don't think it was  
9 anticipated, this situation, but in the future probably  
10 if we notice something we should just say we're going to  
11 take -- we're going to take -- talking to the attorney,  
12 we're going to take testimony but not go to a vote. I'm  
13 only saying that while I'm thinking about it.

14 CHAIR MOULTON-PATTERSON: I think I said that at  
15 the beginning that we would be. Even though those items  
16 had been pulled, that we would take testimony from  
17 Southern California. Is that what you're saying or not?

18 BOARD MEMBER ROBERTI: I don't know if Kathryn  
19 heard that, but does that therefore count as notice?

20 CHAIR MOULTON-PATTERSON: I just --

21 BOARD MEMBER EATON: If I were a thinking  
22 attorney, I would think that this would come under the  
23 public comment section at the end of our agenda which  
24 then allows us to speak to the citizens, if this were  
25 just under the public comment section. After each of our

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1 meetings I understand we have a public comment.

2 CHAIR MOULTON-PATTERSON: Right.

3 BOARD MEMBER EATON: Anyone can come from the  
4 audience and speak and we are allowed to ask questions.

5 CHAIR MOULTON-PATTERSON: We're in that right  
6 now, even though it's not the very end.

7 BOARD MEMBER EATON: So is this under agenda  
8 Item Number --

9 MS. TOBIAS: The issue, as I understand it, is  
10 that these agenda items were removed from the agenda  
11 today by the Board and that what was agreed to was that  
12 because there were people from Southern California who  
13 wished to speak, they could come in on the public comment  
14 section of the agenda.

15 The issue becomes one of notice to other people  
16 who, if they knew the Board was going to consider  
17 comments, deliberate on comments, respond, discuss among  
18 yourselves these two particular agenda items, then there  
19 may be people who would have wanted to be here during the  
20 public comment section of the agenda.

21 BOARD MEMBER ROBERTI: But doesn't that come  
22 under public comment as Mr. Eaton is saying? If we  
23 noticed these items then we said they were going to come  
24 under public comment, which we normally do every board  
25 meeting anyway, and the specificity of that public

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1 comment nobody knows, we don't know until we hear it, so  
2 doesn't it -- in fact we're even giving more notice than  
3 they normally have because somebody knows it's going to  
4 have something to do with the two items that were pulled.

5           So the inability to comment, to tell somebody I  
  
6 agree with them, I don't agree with them, it gives them  
7 the chance to say Roberti's just great or he's an idiot.  
8 That's what the whole business of petitioning your  
9 government is about, and that's the whole business of  
10 what public comment is about and it strikes me that this  
11 is very, very awkward.

12           MS. TOBIAS: I'll be the first to say --

13           BOARD MEMBER ROBERTI: Something has to be  
14 wrong -- something -- it just strikes me that something  
15 has to be wrong we cannot comment, especially in light of  
16 the fact that it was noticed and then it was put over  
17 into the public comment period, whatever the word is,  
18 that we can't deliberate. So the first person who talks  
19 is probably okay, just nobody else can talk after that,  
20 probably.

21           (Laughter)

22           BOARD MEMBER ROBERTI: As long as we're not  
23 deliberating with each other.

24           BOARD MEMBER EATON: I'm glad you're doing the  
25 heavy lifting, Senator.

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1               BOARD MEMBER ROBERTI: Yeah. I'm doing the  
2 heavy lifting.

3               (Laughter)

4               CHAIR MOULTON-PATTERSON: Ms. Tobias, did you  
5 want to comment?

6               MS. TOBIAS: I understand the frustration, and I  
7 think perhaps in the future another approach might have  
8 been to basically say we'll hear those agenda items at  
9 the end of the agenda, the Board won't take any action,  
10 but we'll hear the testimony. In that case anyone who  
11 wanted to would know the Board Members would actually be  
12 opening those agenda items. Otherwise, it does get into  
13 that issue of deliberation, and the fact is there may be  
14 people who left today thinking well, okay. I'll be at  
15 the next board meeting to offer that testimony when, in  
16 fact, they would have liked to be here today to do it.

17              I realize it puts the Board in a difficult  
18 position of listening without being able to ask questions  
19 or to give opinions on it. So it's really sort of  
20 frustrating.

21              BOARD MEMBER ROBERTI: If somebody comes to  
22 testify before us, they obviously want to influence us  
23 and they want to have dialogue with us. And it's not  
24 really having dialogue with somebody if you can't even  
25 tell someone hey, your idea is great. I'm going to take

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1 that under consideration.

2 MS. TOBIAS: Generally what happens under public  
3 comments sections of the agenda is that boards do  
4 basically say we will take those up. For instance, let's  
5 say today that an issue comes up under public comment  
6 that was not in the agenda. The Chair would say fine,  
7 we'll take that up in an agenda item or something like  
8 that.

9 So the public comment section is a time to  
10 receive public comment but to make sure that the next  
11 time the issue is noticed so that anybody who is  
12 interested in the issue can be there at the meeting.

13 BOARD MEMBER PAPARIAN: If you take this to the  
14 extreme, then we can't have any interaction during the  
15 public comment period because any public comment might be  
16 something that would come up on an agenda item in the  
17 future. So we can't have any interaction during the  
18 public comment period.

19 MS. TOBIAS: It's not -- when you do the public  
20 agenda section, it's really a place for the public to  
21 raise issues to the Board that they would like the Board  
22 to consider in the future on a noticed item. Otherwise,  
23 it's not fair to the people who are not here to be able  
24 to also try to influence you on that item.

25 BOARD MEMBER PAPARIAN: So I can't -- I actually

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1 have questions of the last speaker that would purely be  
2 to clarify a couple of the statements that he made which  
3 I didn't understand fully. You're telling me I can't  
4 even ask those questions.

5 MS. TOBIAS: I'm trying not to tell you. I'm  
6 basically suggesting how the public comment section of a  
7 board meeting is generally viewed. I think if you want  
8 to ask questions which don't lead to a deliberation, I do  
9 think there's some room in there for that, but what that  
10 means, and what Senator Roberti was kind of referring to,  
11 is that if you ask some questions and then another Board  
12 Member plays off of it, that starts you into the  
13 deliberation aspect, which is what the Bagley-Keene Act  
14 wants to see, is that everybody who could be at a meeting  
15 is at a meeting to hear those items discussed.

16 BOARD MEMBER PAPARIAN: Yet if I -- I could go  
17 talk to him on the side.

18 MS. TOBIAS: You could go talk to the person?

19 BOARD MEMBER PAPARIAN: I could go talk to him  
20 on the side and that would be a completely private  
21 conversation and wouldn't be on the record.

22 MS. TOBIAS: That's correct.

23 BOARD MEMBER ROBERTI: We just can't deliberate.

24 CHAIR MOULTON-PATTERSON: Mr. Eaton.

25 BOARD MEMBER EATON: But it would be an ex parte.

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1 CHAIR MOULTON-PATTERSON: Mr. Medina.

2 BOARD MEMBER MEDINA: Just from my experience on  
3 boards and commissions, public comment was reserved  
4 exclusively for the public. In this case we had certain  
5 specific items that were carried onto the end of the  
6 Board. If those items then opened up for discussion,  
7 then that would be appropriate to have an exchange at  
8 that time. But just from my experience during public  
9 comment for the San Francisco Board of Supervisors, we  
10 were never allowed to respond to any comments made by the  
11 public.

12 BOARD MEMBER ROBERTI: Were these carried-over  
13 items?

14 MS. TOBIAS: As I understand it, these items  
15 were adjourned to the next meeting, to the September  
16 meeting.

17 CHAIR MOULTON-PATTERSON: Senator Roberti, they  
18 were pulled, but I did say at the beginning of the  
19 meeting to be nice because these people are from Southern  
20 California and they might not be up next month that we  
21 would listen to them during public comments. I don't  
22 know if that clears it up.

23 MS. TOBIAS: I think if the Board wishes to find  
24 that it was your understanding that the items were moved  
25 to the next meeting but would be -- the speakers would be

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1 allowed to come forward and --

2 BOARD MEMBER ROBERTI: The whole reason why we  
3 have a meeting in Southern California is to facilitate  
4 everybody being able to hear us, and the premise on this  
5 is that everybody has a fair chance if we go to  
6 Sacramento. That defeats the whole purpose of having  
7 regional meetings.

8 CHAIR MOULTON-PATTERSON: I agree with you.

9 MS. TOBIAS: So what I'm saying is if the Board  
10 wishes to find it was your understanding these would be  
11 open agenda items at the end of the meeting, I think you  
12 could do that if you wanted.

13 As I said -- as I mentioned, I think it might  
14 have been better if we had basically said we will open  
15 these items, take testimony, and not make any decisions.  
16 But if the Board wants to, I think you could basically  
17 find it was your understanding that you could do that and  
18 have that discussion that I think you're interested in  
19 having today.

20 BOARD MEMBER ROBERTI: Well, I would like to do  
21 that mainly because that's why we have a Southern  
22 California meeting, and the premise is that most of these  
23 people will not be able to make Sacramento and the  
24 converse would be that the people who get to talk to us  
25 are the ones in Sacramento.

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1 MS. TOBIAS: I understand.

2 CHAIR MOULTON-PATTERSON: I understand. It's my  
3 understanding one of the reasons they were pulled is  
4 because the Sacramento people wouldn't be here, the  
5 equity issue. What can I say to make that okay?

6 (Laughter)

7 CHAIR MOULTON-PATTERSON: Can we --

8 MS. TOBIAS: I think if the Board wants to find  
9 that is your understanding that these -- that you were  
10 going to open testimony on these agenda items at the end  
11 of the day and you're comfortable with that, then --

12 BOARD MEMBER MEDINA: Usually when you have a  
13 committee structure and the committee meeting is noticed,  
14 then the public has an opportunity to give their  
15 testimony and have an exchange in the deliberations of  
16 that item.

17 BOARD MEMBER ROBERTI: Otherwise the Southern  
18 California people get to talk but not hear us, and the  
19 Sacramento people will get to have an exchange. So I  
20 don't know.

21 CHAIR MOULTON-PATTERSON: Well, I'll defer to  
22 our legal counsel because I did say that at the beginning  
23 of the meeting and I want to make sure I'm on solid  
24 ground.

25 MR. CHANDLER: I just think the error that was

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1 made here was when Mr. Jones asked this item be pulled,  
2 he did so out of deference to those in Northern  
3 California who were very interested in providing  
4 testimony on these two items and apparently would not be  
5 able to engage in comment by the meeting being here in  
6 Southern California.

7           The obvious impact that that's occurred is your  
8 very point which is the reciprocal is played out and now  
9 the people in Southern California, the folks that you've  
10 accommodated today, are having to have that inconvenience  
11 of coming to Northern California next month and have  
12 chosen to, through your graciousness, provide their  
13 comments here in the open comment period.

14           The problem we have now is that the items have  
15 been pulled. We have not yet presented the staff reports  
16 which lay out options and additional issues that I think  
17 the Board should have in its full consideration, and I  
18 would respectfully request that I don't feel we are  
19 prepared since the staff are not here to give you a full  
20 overview of these issues. So we're really in this  
21 difficult situation, I believe, of the Southern  
22 California community being disadvantaged by the way the  
23 items have been pulled.

24           BOARD MEMBER ROBERTI: I know Mr. Jones did not  
25 intend this. He's not here, anyway. However, I would

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1 hope that if someone wants to pull an agenda item they  
2 consult with the -- can you consult on pulling an agenda  
3 item without having public notice?

4 (Laughter)

5 BOARD MEMBER ROBERTI: That you discuss it so  
6 that all of us know the reason why it's been pulled.

7 MR. CHANDLER: And we've had conversations that  
8 I won't go into here.

9 CHAIR MOULTON-PATTERSON: It's unfortunate. I  
10 think because of the staff and all, I think we are going  
11 to have to just take it as public comment right now, but  
12 your point is very well taken, Senator Roberti.

13 Hopefully this won't happen again. So it's a good  
14 learning experience for us.

15 Mr. Hanson, were you finished?

16 MR. HANSON: Yes.

17 CHAIR MOULTON-PATTERSON: Okay. Thank you so  
18 much.

19 Patty Henshaw, Orange County LEA. Ms. Henshaw.

20 MS. HENSHAW: Good afternoon, Madam Chair and  
21 Board Members. Patti Henshaw with Orange County LEA, and  
22 I did come here today to try to influence the Board,  
23 but --

24 (Laughter)

25 MS. HENSHAW: So with that, I couldn't come to

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1 Sacramento but I appreciate the Chair for trying to allow  
2 us to have opportunity and maybe in the future this will  
3 be worked out so it can happen.

4 But basically I come to speak about the  
5 enforcement regulations, and it's been suggested that  
6 violations on an inspection report are allowed to be  
7 appealed to the hearing panels, and I would like to point  
8 out that inspection reports are a good communication  
9 tool. It's used as a communication tool to inform the  
10 operator of how to comply with state laws and  
11 regulations. It's a field observation by field staff,  
12 not an enforcement action because it doesn't carry  
13 penalties. So what are you appealing if it doesn't carry  
14 penalties?

15 Rather, a notice and order, which is an  
16 enforcement action which does carry penalties, is not  
17 carried out by a field staff but rather on the direction  
18 of the management of the LEA, usually under County  
19 Council or City Council opinions and usually by Waste  
20 Board staff review. So it's very more formal and thought  
21 out of when you're going to carry out an enforcement  
22 action and it carries penalties.

23 So with that, an inspection report becomes a  
24 tool for the LEA to work with the operator and to inform  
25 them of where they need to correct violations or areas of

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1 concern for minimum standards, but essentially an  
2 inspection report is appealable through an informal  
3 process. Any operator can go to an LEA, ask for a  
4 compliance meeting, talk to the supervisor, talk to the  
5 Director of Environmental Health and ask to be heard on  
6 their reasons why that violation shouldn't be noted on an  
7 inspection report. So there is an informal appeal  
8 process, we just don't want a formal appeal process where  
9 it goes through a local hearing panel, and as we know,  
10 all local hearing panels eventually end up at the Board.

11 I don't think the Board would like to be able to  
12 have to be put in that awkward position of trying to  
13 determine what a field staff's observations were on that  
14 day, on that hour in writing in inspection report.

15 In conclusion, the process is working.  
16 Inspection reports working. I think we have great  
17 compliance at most of our facilities in California and  
18 definitely in Orange County, and it's not necessary to  
19 fix something that really isn't broken.

20 Thank you.

21 CHAIR MOULTON-PATTERSON: Thank you,  
22 Ms. Henshaw.

23 Mr. Mike Mohajer, Los Angeles County Public  
24 Works.

25 MR. MOHAJER: Madam Chair, thank you, Members of

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1 the Board. Senator Roberti, thank you for nice words  
2 from hearing from the Southern California jurisdictions.

3 I basically am going to be discussing the  
4 finding of conformance process that I had been addressing  
5 the issue for the past two years, and I also discussed it  
6 even at the hearing on July 16, as well as the other  
7 meeting in August -- I forgot what date it was -- and I  
8 looked at the staff report for Item 20 and there was no  
9 mention of the issue that I had raised. So I would  
10 like -- for the purpose of the record I would discuss  
11 those issues again, and I would like to hear what the  
12 response would be next month.

13 The first item that I would like to discuss is  
14 what is the role of the Task Force in the Countywide  
15 Siting Element, preparation and enforcement and  
16 administration of that. This is -- I'm very specifically  
17 referring to the Public Resources Code Section 40950 and  
18 Section 18755.1 of Title 14, Code of Regulations, and let  
19 me just read little bit again for at least the Title 14  
20 in reference to the role of the task force.

21 It says Section 18755.1(a), the local Task Force  
22 shall develop goals, policy and procedures to provide  
23 guidance to the County to prepare the Siting Element.  
24 Based on this guidance, the Siting Element shall include  
25 a statement on the goals, policy and established by the

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1 County.

2           And it goes on in Subsection D of that section  
3 reads, the policies that the Task Force is required to  
4 establish shall specify any programs, regulatory  
5 ordinances, action or strategy that may be established to  
6 meet the goals described in Section C and goes on. So at  
7 least this is part of what -- I'm responding to my own  
8 question -- the role of the Task Force.

9           Now, looking at what the regulation required the  
10 County to do in preparation of the Siting Element, it  
11 very specifically refers to Section 18756 of the Title  
12 14, Code of Regulations. I'm going to be reading that  
13 again. I'm sorry being late in the afternoon, but I need  
14 to go over this because I say it's been a two-year  
15 process.

16           The section title is "Criteria for establishing  
17 new or for expanding existing solid waste facilities."  
18 To establish a new solid waste disposal facility or to  
19 expand an existing solid waste disposal facility, the  
20 County and Regional Agency shall describe the criteria to  
21 be used in the siting process for each facility. The  
22 criteria shall include, but not be limited to, a  
23 description of the major categories of environmental  
24 consideration, environmental impacts, socioeconomic  
25 consideration, local consideration, and additional

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1 criteria as developed by the County, Cities, Regional  
2 Agency and member agencies. The following are some  
3 example of criteria that may be considered within those  
4 major categories.

5           It goes -- has a whole bunch of lists. And  
6 ultimately the Section B, Subsection B of 18756 says the  
7 Siting Element shall describe the process -- shall  
8 describe the process by -- the process instituted  
9 countywide or regional-wide to confirm the criteria set  
10 forth in A-125 of this section, are included as a part of  
11 the solid waste disposal facility siting process.

12           Now, if you would go back to the Countywide  
13 Siting element which was approved by this Board back in  
14 June of 1997, in that element the process that we used to  
15 ensure that the siting criteria and other requirements  
16 that your Board instructions wanted us to comply with, we  
17 have mentioned the County of Los Angeles will ensure that  
18 the siting criteria contained in the Countywide Siting  
19 Element are applied and that the land disposal or  
20 transformation facility is in conformance with the  
21 Countywide Siting Element through the finding of  
22 conformance process.

23           If you notice today in Item 30 when you were  
24 considering the Lancaster Landfill expansion, you notice  
25 that there was some amendment made -- the statement was

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1 made about in reference to the finding of conformance  
2 with the Countywide Siting Element and that's a very  
3 important issue, even though the staff mentioned again,  
4 as a part of the presentation, that that is the local  
5 requirement. If it is a local requirement then you  
6 should go ahead and change the regulation that governs  
7 the preparation and implementation of the Siting Element  
8 to conform with what the staff mentioned this afternoon.

9 I would be looking forward to the response and  
10 we'll be discussing it at the September meeting.

11 Thank you very much.

12 CHAIR MOULTON-PATTERSON: Thank you,  
13 Mr. Mohajer.

14 Gary Petersen is the last speaker.

15 MR. PETERSEN: Well, I'm here with good news.  
16 Madam Chair, Members of the Board and staff, my name is  
17 Gary Petersen. I'm with Environmental Problem Solving  
18 Enterprises and I'm here representing Hearthside Homes  
19 here in Orange County who have the development on Warner  
20 Mesa, really an exciting part of the project that we've  
21 been working on with this forward-thinking developer on  
22 sustainability and those issues with sustainable building  
23 and development. This is pretty exciting stuff.

24 I go way back with the Board to the early '70s  
25 and nobody is around from those days, so -- except I've

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1 known this guy for a long, long time from DOC. And  
2 Senator Roberti, we were the recycling nags in his  
3 district a long, long time ago.

4           Anyway, what we had decided to do after we  
5 developed our recycling programs was the idea to simulate  
6 markets in the past Board, Paul Rellis. Market  
7 development was a key issue because we had all this stuff  
8 but we didn't know what to do with this stuff.

9           So I was working -- my recycling company was  
10 acquired by Waste Management and one of our programs was  
11 to develop the markets. Where we went to do this was not  
12 the clothing industry, but we went to the construction  
13 industry and said guys, we have all this stuff, paper and  
14 PETE bottles and all these things. You can use this  
15 stuff and we can supply you on a daily basis to use it in  
16 products that people would use in the construction  
17 industry.

18           So that happened, and then what we decided to do  
19 was we needed to start buying those materials and  
20 building materials recycling facilities, recycling  
21 facilities and homes out of it. What led from there was  
22 that we ended up doing the green in the Whitehouse in  
23 Washington, D.C. We worked on the green in the U.N. We  
24 just finished doing the environmental retrofit for city  
25 hall, downtown L.A., and wrote guidelines for Playa

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1 Vista, a very big project in L.A.

2 But this one, Hearthside Homes, they came to us  
3 and said we'd really like to build these homes  
4 sustainably. We think there's a market there. We think  
5 that the public is ready for a non-toxic home made with  
6 recycled materials that is energy efficient. So what I  
7 did was brought some copies of the guidelines, which I'd  
8 like to pass out or give to somebody.

9 The idea is to take it from A to Z on how do you  
10 a project. They were really forward-thinking. We even  
11 started with construction debris recycling and studied an  
12 entire program. So everything -- on projects I've done  
13 before this, we had a 95 percent recovery rate of the  
14 construction materials that were wasted.

15 There is probability that they might use steel  
16 framing in the project. Steel framing contains a minimum  
17 of 25 percent recycled content. And also when you do a  
18 cad system and build the steel framing, there's literally  
19 no waste.

20 If you walk through this, the building  
21 materials, many of the materials that we collect as  
22 recyclers, are contained in carpet and wall board and  
23 ceiling tiles and tiles with the bathrooms. It's amazing  
24 what has now been introduced and used in the marketplace  
25 because industry understands it's a cheap resource and

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1 it's local.

2           The energy overview is basically  
3 self-explanatory. What we want to do is become energy  
4 efficient with the California Energy Commission. We are  
5 now negotiating and working with and figuring out the  
6 next phase to get an energy star from the EPA for the  
7 project, which would include the building envelope which  
8 includes all the different types of materials in  
9 insulation such as fiberglass, which is made from  
10 recycled glass, space conditioning. They've covered  
11 everything for ventilation, interior and exterior  
12 lighting, water heating, appliances.

13           A lot of appliances today, if you buy the right  
14 appliances, are energy efficient and contain recycled  
15 content. We used a refrigerator from a company that was  
16 made entirely out of recycled materials, no CFCs and used  
17 only about \$40 worth of energy a year. Your standard  
18 refrigerators use about \$150 a year. We explained this  
19 all to our client and walked through it and they were  
20 enthusiastic about it.

21           Recycling and solid waste has been planned in  
22 each one of the homes, designed right into the buildings.  
23 The landscaping we're doing drought-tolerant landscaping.

24           If you take a look at this, there has not been  
25 single-family guidelines developed yet. (Inaudible) is

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1 working a lot out of Pittsburgh, but this is the first  
2 one and these are the first developers that we know of  
3 that have taken this step, and we think that it's an  
4 important step.

5 I know your charge as the Board is to look at  
6 sustainable developments as part of what you're going to  
7 do. We at Hearthside would really like to work with you  
8 guys on developing this type of infrastructure and use of  
9 recycled materials.

10 CHAIR MOULTON-PATTERSON: Thank you. It's very  
11 exciting and we appreciate you coming and sharing this  
12 with us.

13 MR. PETERSEN: You're welcome. Thank you very  
14 much.

15 CHAIR MOULTON-PATTERSON: Thank you,  
16 Mr. Petersen.

17 Mr. Leary. We have one item left, Board  
18 Members. I know it might be a lengthy one and we want to  
19 give you the time you need.

20 MR. LEARY: I don't know that it will be that  
21 lengthy, Madam Chair.

22 CHAIR MOULTON-PATTERSON: Okay.

23 MR. LEARY: I just want to make some brief  
24 introductory remarks to agenda Item 37, which is a  
25 discussion item, it's not a consideration item. It's a

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1 discussion of options to address waste paint and  
2 antifreeze management in California.

3           Just very briefly before I turn it over to Anna  
4 Ward, I want to mention when the Board charged the  
5 Special Waste Division and the Used Oil Household  
6 Hazardous Waste Branch to take a look at this issue and  
  
7 develop a comprehensive list of options in addressing  
8 management of waste paint, I knew the Board understood  
9 that it created a opportunity for polarized factions to  
10 try to come together and wrestle with this issue.

11           I wanted to just compliment the Paint Task Force  
12 that -- whose culmination of whose work created this  
13 agenda item brought together several of what could have  
14 been very devisive factions in the paint industry --  
15 local government, Department of Toxics, the Air Board,  
16 our own staff, and really worked quite well together in  
17 addressing this issue comprehensively for your discussion  
18 here today.

19           We look for some general direction. We've tried  
20 to provide here a very broad menu of options for the  
21 Board to consider. If you could point us in one  
22 direction or another or a couple of strategic options you  
23 think you would like us to explore, we'll go there for  
24 you and work back. That's one way the Board could  
25 respond.

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1                   CHAIR MOULTON-PATTERSON: And this is one we can  
2 talk back.

3                   (Laughter)

4                   MR. LEARY: This is one you can deliberate on,  
5 I'm happy to say.

6                   Let me introduce Anna Ward who led the effort  
7 and she'll go through the details of this.

8                   CHAIR MOULTON-PATTERSON: Thank you, Mr. Leary.

9                   MS. WARD: Good afternoon, Madam Chair and Board  
10 Members. As Mark said, we got together and studied the  
11 issues regarding waste paint management as well as  
12 antifreeze management.

13                  I'm going to start with the antifreeze  
14 management. Our goal is to address activities that will  
15 potentially reduce poisonings. It's only 2 percent of  
16 the wastestream that is collected through the household  
17 hazardous waste collection programs because most  
18 antifreeze is changed out through automotive services.  
19 99 percent of the antifreeze is sent for recycling,  
20 keeping the waste management costs low. However,  
21 antifreeze is a poisoning issue.

22                  There's two types of antifreeze on the market.  
23 One, the one that is 95 percent of the market in Southern  
24 California right now, is ethylene glycol, which a sweet  
25 tasting product and is poisonous. Over 4,000

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1 unintentional poisonings occur every year nationally, and  
2 of this at least 1,500 of them are children. In  
3 addition, pets and animals are harmed from them and  
4 usually the diagnosis for the pets occurs too late to  
5 save them. So there's hundreds of cases, potentially  
6 thousands of cases with dogs and cats and other wildlife.

7           Of the known exposures, most are from container  
8 spills, engine flushes or engine leaks and they were in  
9 and around the home. An alternative antifreeze on the  
10 market is formulated with propylene glycol, which is not  
11 sweet tasting. It's actually (inaudible) tasting and is  
12 practically non-toxic. It is actually recognized by the  
13 Food and Drug Administration as safe and it is used in  
14 some products to keep them moist. It's also recommended  
15 for use in RVs and marine vessels as well as some heavy  
16 duty trucks.

17           The propylene glycol, which is put out most  
18 commonly through -- actually, Prestone puts out a product  
19 called Low Tox and on the bottle there's actually a dog  
20 and a cat on there. It is approved by the American  
21 Society for the Prevention of Cruelty to Animals, and  
22 there's another brand, Sierra brand, sold at competitive  
23 prices and are found and made available throughout stores  
24 in California.

25           Right now I'll go on to mentioning the highest

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1 options that will potentially reduce the poisonings, and  
2 those are in your attachment 2. One would require adding  
3 a bittering agent to the ethylene glycol, and this was  
4 proposed in a bill in 1993 and was defeated. However,  
5 Oregon has enacted such a bill and we are monitoring  
6 their experiences.

7 Another option is to mandate propylene glycol  
8 and ban ethylene glycol, and that's all I really have to  
9 say for antifreeze right now.

10 I'll go on to mention -- discuss waste paint  
11 management. The potential to provide significant  
12 statewide financial relief to local government is the  
13 goal for managing the waste paint. Escalating costs and  
14 rapidly increasing volumes of waste paint collected have  
15 impacted local governments' household hazardous waste  
16 collection programs. Program coordinators often cannot  
17 adequately address the increasing demand upon the  
18 programs, and insufficient budgets have resulted in paint  
19 being stockpiled, as is the case with San Bernardino  
20 County where 250 cubic yard boxes sat for about a  
21 total -- from February through July of this year waiting  
22 to be shipped off for management because they had run out  
23 of funds in their budget.

24 To control the amount of waste collected,  
25 program coordinators not only limit their collection

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1 facility operating time but also often times reduce the  
2 advertising and promotion that they do for the programs.  
3 About one half of the paint wastestream is latex paint  
4 which can and is being recycled. The other half of the  
5 paint is oil base, which is not recycled in California  
6 and in general is more costly to manage.

7 Paint comprises over 42 percent of the  
8 wastestream currently managed through the collection  
9 programs and every year the amount of paint collected is  
10 increasing --

11 BOARD MEMBER ROBERTI: When you mention paint  
12 being recycled, are you mentioning that in terms of reuse  
13 as paint or reuse as another agent?

14 MS. WARD: This is reuse as -- latex paint only  
15 reused as paint.

16 BOARD MEMBER ROBERTI: Because when I visited  
17 Amazon Environmental, they seem to have -- they seem to  
18 actually reuse paint more for, I think, a cement or  
19 concrete additive.

20 MS. WARD: That's the unusable paint.

21 BOARD MEMBER ROBERTI: So what I'm getting to is  
22 when you said oil-based paint can't be recycled --

23 MS. WARD: Right.

24 BOARD MEMBER ROBERTI: -- you were talking in  
25 terms of use as paint.

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1           MS. WARD: That's a different kind of paint and  
2 that doesn't go through Amazon. Amazon, and there's a  
3 couple other companies in California, that they're only  
4 allowed to reprocess and recycle the latex paint.  
5 Actually, oil-based paint can be recycled but it is not  
6 recycled in California.

7           BOARD MEMBER ROBERTI: Can be recycled as paint  
8 or as --

9           MS. WARD: As paint. And there is actually a  
10 distillation process that is done with the oil-based  
11 paint in California, but that's the only recovery that's  
12 going on of the oil base but not back into paint. It's  
13 used as a solvent. So for our purposes, recycling is  
14 talking about latex paint here.

15           I was just going to say that the oil-based paint  
16 in general -- it is -- when it's processed and is done  
17 out of state, they're using it for fuel blending and  
18 that's a RCRA issue. Through RCRA that is considered  
19 a -- that is a recycling option. That is a recycling  
20 method, but in California that's not considered  
21 recycling. That's for a fuel blending.

22           So since 1994 the volumes of collected paint has  
23 increased 26 percent each year. It costs a total of \$9  
24 million to manage all the paint through household  
25 hazardous waste collection programs last year. This

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1 amounts to about one-third of the cost or approximately  
2 one-third of the cost of all the household hazardous  
3 waste collection programs for last year, and this comes  
4 to costing \$5 to \$8 a gallon to manage paint.

5           Approximately -- with this, only 4 percent of  
  
6 the residents have participated in the household  
7 hazardous waste collection programs. At this rate it  
8 will take up to 25 years to collect the paint that we  
9 have calculated that is currently stored in California  
10 homes. This does not include the rapid growth in the  
11 population and the number of residential building starts  
12 each year.

13           BOARD MEMBER ROBERTI: Or the new paint that  
14 will be collected.

15           MS. WARD: Pardon me?

16           BOARD MEMBER ROBERTI: Or the paint that's going  
17 to be collected. You said this will be take 25 years  
18 based on --

19           MS. WARD: From the old paint --

20           BOARD MEMBER ROBERTI: -- from what we have  
21 right now, not what will be collected in the 25 years.

22           MS. WARD: I know. So we're not even going  
23 there. Obviously it's a lot of paint out there. One of  
24 the things is we went to a paint processing place, that  
25 location this morning, EcoPaint, and he talked about how

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1 now, with all the education people have gotten through  
2 the household hazardous waste programs, people are  
3 returning their paints earlier on and so they're getting  
4 a better quality paint coming back from that, but even  
5 with that we know that -- and I know local government can  
6 talk better about this -- they're still getting a lot of  
7 old paint that's unusable, and that's where you would see  
8 it going into like the cement additive.

9 BOARD MEMBER ROBERTI: Maybe you'll come to this  
10 in your presentation, but I've talked to a number of  
11 operators of household hazardous waste programs in  
12 various jurisdictions and normally my predisposition goes  
13 along the lines of what we normally do on this Board, and  
14 that is we set standards and let locals come up with the  
15 specifics.

16 I'm fearful, however, on the collection of  
17 household hazardous waste that it's not working and that  
18 we just have a potpourri of different kinds of programs.  
19 Nobody therefore knows where to turn their stuff in or  
20 what should be turned in or how because some  
21 jurisdictions have turn-in dates, amnesty dates, curbside  
22 dates, central collection places. Everything is a  
23 mish-mash, and especially when you get into a heavily  
24 populated area, you also have jurisdictional lines you  
25 come under.

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1           We don't have a concentrated program and I tend  
2 to think in this one area this may be something that we  
3 have to do to have more specific statewide programs and  
4 standards rather than rely on the huge number of local  
5 programs, all very nice, but I think I have more people  
6 asking me the question "where can I turn my stuff in" now  
7 they know I'm on a board like this rather than any other  
8 question. They don't know and I don't have always have  
9 an answer either.

10           MS. WARD: I know in some other states it is the  
11 State that runs the household hazardous waste programs.  
12 They don't have 34 million people in the state and --

13           BOARD MEMBER ROBERTI: That's true too.

14           MS. WARD: Right. So there's -- I know that a  
15 lot of local governments would say give us some money,  
16 and I just know that -- I don't know if we ever want to  
17 be in the business of actually running all the programs.

18           BOARD MEMBER ROBERTI: I don't know if that's  
19 necessary, but I tend to think statewide standards where  
20 we have uniformity, uniformity itself will educate  
21 because you repeat the same political ad over and over  
22 and over and suddenly people will realize that either  
23 George Bush or Al Gore, depending on who you like or  
24 dislike, is an angel or a devil. You have to repeat it  
25 over and over and over again.

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1           I think this is an item in our jurisdiction  
2 where you have to repeat over and over again in the same  
3 method and in the same manner so people know where to  
4 turn this stuff in, that antifreeze is dangerous and  
5 should be turned in promptly.

6           So I guess in my own mind I'm looking for  
7 something which will create some kind of statewide  
8 standards and options, whatever; not to take the  
9 enforcement away from the locals, not saying they  
10 shouldn't add on to what we propose because every one of  
11 the programs are very, very good. So I think that's all  
12 fine and I don't want to take away from them, but I do  
13 think we are weak in the area of standards and uniformity  
14 and I hope our staff starts looking into that area, which  
15 I don't think we have been pushing that strongly.

16           MS. WARD: No. We're behind, yes. I know that  
17 there's a real difference in the different types of  
18 programs and it definitely goes back to the financial.

19           BOARD MEMBER ROBERTI: And to the locals who are  
20 still in the office like -- in the room like Mr. Mohajer.  
21 Everybody's got great programs, don't want to take it  
22 away from them to add on to what we do, but in visiting  
23 the various household hazardous waste, one thing I note  
24 is there's no uniformity and you cannot educate on this  
25 issue without uniformity.

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1           So we were asked to come up with what our ideas  
2 are going to be and that's where my mind is going right  
3 now, where I as one Member would want you people to go.

4           MS. WARD: Under advisement. I'll continue on.

5           From the findings, I'm just going to briefly  
6 mention the highest options that were provided to --  
7 would provide for significant financial relief to local  
8 government. This is in attachment 1.

9           The take-back options discussed have dealt with  
10 managing latex paint, which again is one half of the  
11 wastestream. Industry is opposed to a mandatory  
12 take-back of latex paint by those retailers selling  
13 paint, though they do support voluntary programs.

14           Currently there are two established private  
15 sector programs taking place in California where they  
16 take back the latex paint, recycle it and distribute it  
17 again in California. Dedicated programs could be very  
18 effective and offer significant monetary relief to local  
19 government, though they could become quite costly for  
20 retailers. As voluntary and pilot efforts, this is very  
21 slow and does not offer the monetary relief desperately  
22 needed right now.

23           Another option section is market development of  
24 recycled paint, and this would be the latex paint. After  
25 many years of local government marketing efforts, there

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1 is the perception still by many of negative quality and  
2 the bias for the use of virgin paint. Without mandates,  
3 the option for market development would not provide  
4 significant financial relief in the short term, also the  
5 revenue source options in attachment 1.

6           Local government is unanimous in their opinion  
7 that there should be a consumer on sales of paint fee --  
8 a consumer fee on sales of paint within the state.  
9 Industry opposes any consumer fee on the sale. Industry  
10 thinks that they will be put at a competitive  
11 disadvantage with wallpaper and siding if a fee is placed  
12 on paint, and they're concerned that a fee on paint will  
13 signal the State's intent to begin imposing special fees  
14 on hazardous products. Hence, other chemical  
15 manufacturing industries may be drawn into the  
16 discussion.

17           The highest mechanisms that could provide a  
18 statewide financial relief includes a state sales tax; a  
19 statewide annual permit fee on retail or selling paint;  
20 paint retailer take-back, or if not taking back, pay a  
21 fee to the state; a recycling fee on all latex paint sold  
22 in California facilities; and last, a consumer fee on  
23 sales of paint.

24           A permit fee would be paid by paint retailers,  
25 whereas the state sales tax, recycling or consumer fee on

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1 the paint sold would be paid by the people of California.  
2 Based on the annual costs of local government, a fee in  
3 the range of 10 to 20 cents a gallon would cover the cost  
4 of paint programs currently being conducted. This would  
5 be about one percent of the current cost of a gallon of  
6 paint which ranges from \$12 to \$22 a gallon.

7 So this concludes my presentation. There's no  
8 action needed for this item today, but we are asking for  
9 your thoughts and direction on the options to develop for  
10 our final recommendations report.

11 If there's any questions.

12 CHAIR MOULTON-PATTERSON: Thank you. If Members  
13 have questions of staff, they can ask now or would you  
14 rather hear -- we do have two speakers, so whichever. Do  
15 you have questions now or would you like to hear the  
16 speakers?

17 Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Both.

19 CHAIR MOULTON-PATTERSON: Okay. Go right ahead.

20 BOARD MEMBER PAPARIAN: Back to the antifreeze.  
21 I believe it was legislation by Richard Katz on this  
22 issue and I think that's the legislation that got vetoed.  
23 I recall the Department of Fish and Game had interest in  
24 what's going on here.

25 MS. WARD: I know Food and Agriculture would be

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1 the enforcement agency. Fish and Game, I know we don't  
2 hear much about the poisonings unless there is something  
3 like the California condor, which that had happened at  
4 that time. So that's U.S. Fish and Game.

5 BOARD MEMBER PAPARIAN: That's what I remember.  
6 Have we talked to Fish and Game?

7 MS. WARD: I talked to them and they -- their  
8 agency, at least in Southern California, have gone to  
9 using the Sierra brand with using the non-toxic propylene  
10 glycol.

11 BOARD MEMBER PAPARIAN: In terms of pursuing  
12 legislation.

13 MS. WARD: No, they didn't. They're the ones  
14 that sent me the copy of the bill and it was vetoed.

15 BOARD MEMBER ROBERTI: You said their agency has  
16 gone to using the non-toxic.

17 MS. WARD: Right.

18 BOARD MEMBER ROBERTI: I don't quite understand.

19 MS. WARD: U.S. Fish and Game.

20 BOARD MEMBER ROBERTI: For their own purposes.

21 MS. WARD: For their own purposes, so it's just  
22 a start.

23 BOARD MEMBER ROBERTI: If I were to buy  
24 antifreeze on the open market, I think it was the sweet  
25 stuff, whatever that's called.

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1           MS. WARD: The other is there, and part of that  
2 is educating people. When you look at that bottle, the  
3 Prestone bottle of Low Tox and there's the cat and dog  
4 there, I mean it has to -- if you're even thinking about  
5 it then you would notice it, but we need to educate more  
6 and that is one of the options.

7           BOARD MEMBER ROBERTI: Well, it's addressed  
8 with -- the options I would hope springs internal new  
9 administration -- Mr. Katz isn't there anymore. I know  
10 he was very much into these issues, but I would hope the  
11 Board would sponsor or look for an author to sponsor  
12 these things. From my own selfish purposes it combines  
13 two issues I care about.

14           BOARD MEMBER PAPARIAN: I think it may be worth  
15 exploring. Mr. Katz's staff is now working on the issue  
16 at Cal/EPA. The Department of Fish and Game would be  
17 worth approaching. The State Department of Fish and Game  
18 might be interested in working on this issue as well  
19 legislatively.

20           MS. WARD: It would be great.

21           CHAIR MOULTON-PATTERSON: I would certainly echo  
22 that on the antifreeze also. Any other questions before  
23 we hear the speakers' input? And you'll be available  
24 for questions.

25           Sharon Dowell. Thank you for being so patient.

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1           MS. DOWELL: Thank you. Sharon Dowell,  
2 Household Hazardous Waste Program Manager from Santa  
3 Clara County, and I'm also the California Integrated  
4 Waste Board grantee with working on the paint and  
5 antifreeze management options.

6           I wanted to bring up some of my paint figures  
7 because they're a little different than the statewide  
8 average. In fiscal year 98-99, paint was 50 percent of  
9 our wastestream. This last fiscal year we collected  
10 675,000 pounds of paint, and that's an increase of 25  
11 percent over last fiscal year.

12           We can't keep up with this. The costs and the  
13 volumes are escalating too quickly. Last July Santa  
14 Clara County implemented a solid waste tipping fee of  
15 \$1.50 per ton for household hazardous waste. They chose  
16 this level because it was the highest service level that  
17 the Cities could agree upon. What this represents is  
18 service to 3 percent of the households countywide, and  
19 that's slightly less than our annual home sales, so we  
20 know we aren't meeting the need right now. But  
21 increasing the tipping fees is not going to be one of our  
22 options.

23           Like most of the other household hazardous waste  
24 programs in the state, we think there should be a  
25 consumer fee on paint sales that would help us offset the

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1 cost of our programs. An advance disposal fee or  
2 recycling fee is one of the legislative priorities of our  
3 Solid Waste Commission and our Board of Supervisors.

4           The paint industry opposes any kind of fee on  
5 their products. They have offered to work with us in  
6 voluntary efforts, and as a government representative I  
7 welcome those voluntary efforts, but for this type of  
8 program to work there has to be specific goals and  
9 specific time lines for attaining those goals. If the  
10 goals aren't met, legislation that mandates programs or  
11 fees should follow.

12           I believe that producers of a product should be  
13 responsible for the product and the waste that it  
14 creates. One way to impose that responsibility would be  
15 to implement paint take-back programs. The advantage of  
16 this is that the costs of recycling, reuse and disposal  
17 are internalized into the product. The producer that has  
18 to pay to recycle their paint will be more conscious of  
19 designing for recyclability.

20           Finally, I'd like to you look at the used oil  
21 recycling program as a model. By including the waste  
22 management costs in the purchase price through adding a  
23 recycling fee of just 4 cents per quart, there has been a  
24 comprehensive infrastructure for collection developed and  
25 a statewide awareness of recycling.

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1           Thank you.

2           CHAIR MOULTON-PATTERSON: Thank you very much.

3           Mike Mohajer.

4           MR. MOHAJER: Madam Chair, Members of the Board,  
5 my apology for listening to me again. My name is Mike  
6 Mohajer with Los Angeles County Public Works.

7           I want to commend staff for doing an excellent  
8 report on this waste paint and we have been going back  
9 and forth. A few statistical information for L.A. County  
10 is a little bit different.

11          So you would know about our program, we conduct  
12 a round-up every Saturday and generally is one round-up  
13 per Saturday but goes as many as three round-ups per day.  
14 It costs us approximately between \$7 to \$9 million a  
15 year. Giving you some statistical information, the  
16 paint, both used oil base and latex, in this county  
17 averages about 55 percent of the total waste that we  
18 collect. Since we implemented the program back in 1988,  
19 we have collected over 1.6 million gallons of paint. If  
20 you're going by pound, that makes it -- you multiply by  
21 eight and a half, so that's probably about 12 million  
22 pounds of household hazardous waste paint that we have  
23 collected. This year to our round-up, so far as of  
24 August 12 we have collected approximately 230,000 gallons  
25 of paint. This year.

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1           So it is a major issue and at least myself, I  
2 have been involved with the waste industry since 1986.  
3 So far I have scored absolutely zilch, and I think the  
4 paint industry ought to accept responsibility,  
5 manufacturers responsibility, and like everybody else  
6 it's taking time, but they've got to accept the  
7 responsibility. Ultimately the fee is going to be paid  
8 by the consumer, not by the paint industries, and the  
9 issue needs to be addressed.

10           Imposing a fee, a solid waste management fee, I  
11 don't think that's a good suggestion because it still  
12 leaves the paint out. But like the used oil or like the  
13 oil, if they pay when the consumer buys or whatever the  
14 process is, at least they can feel it for the first few  
15 months before they forget it, but that's something that I  
16 think.

17           Local government really doesn't have the  
18 lobbyist resources that the paint industry has had and  
19 this Board can really help us in that matter.

20           Thank you very much.

21           CHAIR MOULTON-PATTERSON: Thank you,  
22 Mr. Mohajer.

23           MS. WARD: If you have any more questions.

24           CHAIR MOULTON-PATTERSON: Questions? I know  
25 that Mr. Leary and staff want us to give them some

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1 direction, so Senator Roberti has given some.

2 BOARD MEMBER ROBERTI: I get to go first here.

3 I would hope that we would have an increased education

4 program that would stress some uniformity. I think

5 that's what I'm thinking about more than taking

6 jurisdiction away from the local government. We've heard

7 a lot of success stories, but I think there has to be

8 some element of uniformity.

9 The reason why we administer these programs and

10 not Toxics, in my mind -- and I think I'm correct -- is

11 that we deal with people at the retail level,

12 individuals, on how you get rid of your individual

13 garbage because educating the public is so foreign in

14 this area in getting people to figure out how to get the

15 waste out of their own homes, that's why we administer

16 the programs, that's why the exception on what is

17 obviously a toxic substance is carved out for us in this

18 area.

19 Because that's the case, I think that calls for

20 us to engage in education, and education is a degree of

21 uniformity. Otherwise, we might as well give it to

22 Toxics if the only thing we're thinking about is the

23 chemical compound. So I would think that's number one

24 thing that we have to think of.

25 I think we have to think in terms of legislation

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1 that maybe we can sponsor, say, on the antifreeze. I  
2 don't know what the climate in the current administration  
3 is as far as a paint fee. If I were running things,  
4 which I'm not, I would be in favor of it, but that's  
5 where I was criticized. My brand of command and control  
6 is passe these days.

7 (Laughter)

8 BOARD MEMBER ROBERTI: But frankly, that's what  
9 I favor is absolutely a paint industry responsibility.  
10 But I think if you give us some legislative options, it  
11 wouldn't hurt for us to shop around for authors. I'm  
12 sure we could find them. Whether they're successful or  
13 not is a different issue, but we certainly should try.

14 But I'm looking for an education program with a  
15 degree of uniformity with all the various jurisdictions,  
16 not to take away from them their own ingenuity and that's  
17 what I'm hoping we will come up with here.

18 MR. LEARY: Senator, if I may respond to that  
19 very briefly, it's very surprising to me that the paint  
20 industry chose not to participate today because they were  
21 active and very involved with the paint Task Force in  
22 constructing this agenda item. As Anna represented in  
23 her presentation, also adamant about participating to the  
24 way you've suggested or in the way we've outlined in our  
25 agenda item. They're not here and I think should we come

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1 back to the Board with a more flushed out legislative  
2 options in terms of implementing a paint fee, I think  
3 we'll hear from them loud and clear.

4 (Laughter)

5 BOARD MEMBER ROBERTI: For that reason alone I  
6 would say it's a great idea.

7 (Laughter)

8 BOARD MEMBER ROBERTI: For that reason alone. I  
9 don't understand. We sell 31 million tires in California  
10 and our big fee is 25 cents, but the fee hasn't put them  
11 out of business. So I don't know paint is that much  
12 different. Bring them to the table, but for more reasons  
13 I think it's a good thing to do, period.

14 CHAIR MOULTON-PATTERSON: Mr. Medina.

15 BOARD MEMBER MEDINA: I notice in the examples  
16 of Washington and Oregon that as long as the State was  
17 paying the cost of transportation that the programs were  
18 working. In the case of Oregon, as soon as they stopped,  
19 the State stopped subsidizing the collection and  
20 transportation, that the industry stopped its efforts.

21 MR. LEARY: Absolutely.

22 MS. WARD: Right. Although, there was one other  
23 one that industry had mentioned to us, but we hadn't  
24 gotten ahold of a contact until after -- just until  
25 recently. In the state of Illinois they have a program

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1 and there are about 25 retailers that are participating,  
2 some of which are paint companies, and they -- the State  
3 runs the household hazardous waste program, so the State  
4 pays these retailers, pays for five-gallon pails. So  
5 they require the participants to pour the paint they  
6 receive in the gallon containers or whatever into these  
7 pails and then to give it away or to sell it. With that,  
8 they also can charge a fee to take the paint in.

9           So those are the incentives for those local  
10 retailers to have the program, but then the State takes  
11 care of the disposal of the unusable paint and then -- so  
12 anyway, there is some relief for the State there because  
13 they are dealing with all of the usable latex paint --  
14 the State deals with the unusable paint and the oil base  
15 paint, which they are collecting at these sites also.

16           CHAIR MOULTON-PATTERSON: Mr. Paparian.

17           BOARD MEMBER PAPARIAN: The voluntary or  
18 mandatory take-back seem to be things we ought to pursue  
19 a little bit, see whether there's anything we might do to  
20 encourage additional voluntary take-back programs and  
21 then explore the possibility of pursuing a more mandatory  
22 take-back program.

23           On the voluntary side it wouldn't surprise me if  
24 the State of California turned out to be the largest  
25 consumer of paint in California. I know they buy a heck

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1 of a lot of paint for everything from state prisons to  
2 highways to who knows what else. I don't know what the  
3 potential would be for us to -- as the State to have as  
4 part of our procurement guidelines preference to those  
5 companies that have take-back programs. That might be  
6 one area to look into possibly pursuing.

7 MS. WARD: Actually, as you may well know, and I  
8 think it's in the agenda item, but there is a mandate  
9 to -- for state agencies to procure recycled latex paint  
10 and it is being done and the -- as slow as it is with  
11 other products, recycled products, and paint is growing  
12 in the consumption by the state agencies. It's growing  
13 slowly.

14 Our state Buy Recycle Program campaign staff  
15 feel that they need to have more outreach and education  
16 for those folks that are coming on board with state  
17 agencies that are the procurement officers, and then  
18 where there is a resistance to buying the recycled paint  
19 that there be enforcement. And then also there are  
20 programs, like I said, that they're recycling. Paint  
21 companies are doing recycling of paint.

22 Kelly-Moore, who actually has the state contract  
23 for Northern California, of course is a paint company and  
24 they've been doing this for a number of years. So they  
25 take unwanted latex paint and reprocess it and have it

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1 available, sell it to local government and state -- to  
2 anybody that wants to purchase it.

3           In addition, we just recently found out that all  
4 the Wal-Marts will take back their own brand of paint.  
5 They don't really advertise it, it's just what when you  
6 go and buy paint they will tell you that you can bring  
7 back any unused paint that you don't want and it turns  
8 out that -- actually, it looks like they take other paint  
9 too, but they don't advertise it. If they get too much  
10 paint, then they might change their focus or their  
11 criteria because it just would be too much for one  
12 company to be doing, but Wal-Mart has 106 stores in  
13 California. So that's significant. We don't have any  
14 figures yet on how much they are actually taking back.

15           CHAIR MOULTON-PATTERSON: Senator Roberti.

16           BOARD MEMBER ROBERTI: Along the lines which  
17 Mr. Paparian is speaking to, we don't have a take-back  
18 program in California. We do have a state contract to --

19           MS. WARD: The take-back programs are through  
20 the companies that are doing reprocessing.

21           BOARD MEMBER ROBERTI: They reprocess and then  
22 we give contracts. Do we give points if they use  
23 recycled paint? How does the program -- how does it  
24 work? We give a premium to somebody who has a take-back  
25 program?

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1 MS. WARD: We could potentially --

2 BOARD MEMBER ROBERTI: That they have to use  
3 recycled paint in a new project in California? Which way  
4 does it work?

5 MR. LEARY: It doesn't work either way right  
6 now. What Board Member Paparian is proposing is the  
7 State in its (inaudible) of paint could exercise its  
8 preference towards those that have a take-back program.

9 BOARD MEMBER ROBERTI: Well, but Kelly-Moore has  
10 a state contract to use their recycled paint. How does  
11 that work?

12 MS. WARD: It meets the specifications that we  
13 have for this post-consumer paint and so --

14 BOARD MEMBER ROBERTI: How much does Department  
15 of General Services --

16 MS. WARD: Each agency within the State is  
17 supposed to know that there is the mandate to buy  
18 recycled products, and with that they buy whatever they  
19 need. And that is one of the things -- it isn't like  
20 light bulbs or gasoline or something. You don't paint  
21 every year. So in looking at the stats for the last six  
22 or seven years, it hasn't been consistent. Although like  
23 the Department of Transportation or Caltrans and like  
24 General Services have been two of the larger purchasers  
25 of the latex paint.

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1           BOARD MEMBER ROBERTI: Caltrans and --

2           MS. WARD: And General Services.

3           BOARD MEMBER MEDINA: All those orange trucks.

4           BOARD MEMBER ROBERTI: All those orange trucks.

5           (Laughter)

6           BOARD MEMBER ROBERTI: There is utterly no  
7 reason why anybody should have to use any paint in a  
8 state agency other than recycled paint. How is this  
9 enforced?

10          MS. WARD: There is no enforcement now.

11          BOARD MEMBER ROBERTI: There's just a state  
12 mandate that's not subject to enforcement.

13          MS. WARD: Right. And our staff at the Board  
14 are the folks that let them know every year that we've  
15 got this program, and I'm not sure all of what they're  
16 doing, but in some cases they know that enforcement would  
17 be the only way to do it. Other cases they feel that  
18 they need to reach out to the newer employees that are  
19 not that savvy about using recycled products. So with  
20 that I know that staff told me that they are hiring a  
21 couple new people.

22          BOARD MEMBER ROBERTI: But absent the fact there  
23 really is no enforcement, the purchase of recycled paint  
24 is a mandate.

25          MS. WARD: Yes, with a cost being equal and

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1 quality.

2 BOARD MEMBER ROBERTI: Pardon?

3 MS. WARD: With cost and quality being equal.

4 BOARD MEMBER ROBERTI: With cost and quality  
5 being equal. From my tour of Kelly-Moore it seemed to be  
6 cost and quality were equal unless we have some that have  
7 to have the exact kind of the -- right kind of color, and  
8 I think they're pretty close to duplicating.

9 MS. WARD: With at least 50 percent  
10 post-consumer.

11 BOARD MEMBER ROBERTI: With at least 50 percent  
12 post-consumer content?

13 MS. WARD: Right.

14 BOARD MEMBER ROBERTI: But I would therefore  
15 advise we come up with some kind of legislation,  
16 regulation, putting some teeth into our enforcement. I  
17 guess you can't do that without money, but the state  
18 agencies, as we all know, are very lax and less pressured  
19 and we've given them a loophole, and that's the quality  
20 loophole, which if somebody wants can be a big one if  
21 they're not enthusiastic about doing --

22 MS. WARD: There was an initial paint Task Force  
23 started in 1991. It lasted for about four years, and  
24 with it came the final report that was on the usability  
25 and the quality of recycled latex paint. That was done

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1 through Cal Poly and it comes out that it can be very  
2 good.

3 BOARD MEMBER ROBERTI: What I would hope we do  
4 is to see how much paint is being -- can we come up with  
5 the data on how much paint is being used that's recycled  
6 and how much isn't? Because frankly, I don't understand  
7 what they talk about the quality of paint being. Paint  
8 is paint is paint, frankly, for most purposes. There's  
9 no reason why we're not up to 95 percent recycled.

10 If our data comes back we're only at 50-50 or  
11 40-60, 40 percent not recycled, somebody's really not  
12 trying to enforce the law. I think that data would be  
13 necessary because I think in the paint area where it's  
14 relatively easy, I think we can start getting tough.  
15 It's much harder in other areas, but paint is paint is  
16 paint.

17 MS. WARD: State procurement right now of the  
18 recycled latex paint, of the paint that was purchased  
19 last year 27 percent of it was recycled paint.

20 BOARD MEMBER ROBERTI: In my humble estimation,  
21 that's nothing because that's just the usual obstinacy  
22 that we have in the bureaucracy, starting with Department  
23 of General Services. They're not going to do what  
24 anybody tells them to do. What qualitative problem could  
25 there possibly be for not using the paint? You don't

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1 have the right shade of gray?

2 (Laughter)

3 MS. WARD: Actually, there was a comment on that  
4 this morning and it was not the right shade of, like,  
5 beige just because someone had that in mind.

6 BOARD MEMBER ROBERTI: It makes no sense. I can  
7 see it on other items, but on paint it makes no sense. I  
8 really think this is one area we can get tough.

9 BOARD MEMBER PAPARIAN: Now that there's a  
10 former Senator heading up General Services --

11 CHAIR MOULTON-PATTERSON: Perhaps -- I think  
12 we're maybe going to be losing our space soon and I guess  
13 we have an option. We can come back in the morning and  
14 finish this or we can kind of give a little closure.  
15 Senator, would you and your office be willing to work  
16 with Special Waste on this issue?

17 We have a new -- and I agree. We need greater  
18 education and we're going to have to have some  
19 legislation. We have a new legislative director coming  
20 on board. This to me would be an ideal priority. I  
21 don't know exactly what direction other than what we've  
22 given you need, Mr. Leary, but -- and I haven't gotten an  
23 answer if Senator Roberti would volunteer to head this  
24 up. I don't mean to put you on the spot.

25 BOARD MEMBER ROBERTI: Head up?

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1 CHAIR MOULTON-PATTERSON: Working on this issue.

2 BOARD MEMBER ROBERTI: Absolutely.

3 CHAIR MOULTON-PATTERSON: I know you've done  
4 quite a few site visits and I would really appreciate it  
5 if you could work with them.

6 BOARD MEMBER ROBERTI: Sure.

7 MR. LEARY: Let me real just briefly for  
8 everyone's -- so we leave here with a common

9 understanding, I think you've actually given us a number  
10 of things that you want in response to this item. You  
11 suggested we look to build more uniformity and  
12 standardization in our household hazardous waste  
13 collection programs statewide. We certainly can  
14 distribute information, education on that and get some  
15 feedback from local government programs, see how they  
16 feel about sharing better ideas, building best practices  
17 possibly.

18 You suggested that we consider sponsoring some  
19 legislation on antifreeze. We can certainly look at  
20 options to do that. You asked to us consider  
21 Board-sponsored legislation on a paint fee. We can  
22 certainly come back to you with the various ways we may  
23 construct those options.

24 You've asked us to evaluate state agency use of  
25 recycled paint. We can come back to you with maybe more

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1 current measurement of the 27 percent and see how the  
2 providers of recycled paint --

3 BOARD MEMBER ROBERTI: And maybe legislation  
4 along the lines Mr. Paparian suggested.

5 MR. LEARY: I'm about to get to that. Build  
6 some teeth into the mandate, expand voluntary and  
7 mandatory take-back programs, what are the options.

8 We've offered some preliminary options in this  
9 analysis. We can expand this analysis more fully and  
10 flush out those options with a pros and cons analysis  
11 more fully.

12 Finally, what other state procurement  
13 preferences can we develop and offer to Department of  
14 General Services and other state agencies to build into  
15 their procurement processes to emphasize the use of  
16 recycled paint.

17 CHAIR MOULTON-PATTERSON: Great summary. I do  
18 want to say, Ms. Ward and Mr. Leary, this was a really  
19 great staff report. It was very helpful to me and thank  
20 you very much.

21 MR. LEARY: You're welcome. Thank you.

22 CHAIR MOULTON-PATTERSON: With that, hearing no  
23 other comments from Board Members, that finishes Item 37  
24 and we can adjourn our meeting.

25 \* \* \*

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4 I, Terri L. Emery, CSR 11598, a Certified  
5 Shorthand Reporter in and for the State of California,  
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7 That the foregoing proceedings were taken  
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9 therein and was thereafter transcribed under my  
10 supervision; that this transcript contains a full, true  
11 and correct record of the proceedings which took place  
12 at the time and place set forth in the caption hereto.

13

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15 I further certify that I have no interest  
16 in the event of the action.

17

18

19 EXECUTED this 25th day of October, 2000.

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Terri L. Emery

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